# The Disappearance of the Small Landowner

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# PREFACE

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# I

## ENGLAND AND FRANCE COMPARED. INFLUENCE OF LAND LAWS

THE peculiar character of our rural economy lies, as every one knows, in the accumulation of our land in a few hands, and the comparatively small number of our population who own any land at all. The grossly exaggerated statements which used to be made, that the number of those holding land did not exceed 30,000 has been indeed disproved by later inquiries. These have shown that there are at least 260,000 who hold land from one acre upwards, as well as some 700,000, mostly householders, who hold below one acre in England, exclusive of the Metropolis.[1]

Nevertheless when compared with other countries, notably with France, these numbers are few indeed. This will at once become apparent if we remember that, with a population only one-third larger, France has some 5,600,000 landed proprietors. Here, however, it should be noted that the difference between France and England does not lie so much

[1] The actual numbers, as compiled by the New Domesday Book, are :—

| | | | | |
|---|---|---|---|---|
| Below | 1 acre | | 703,289 | exclusive of the Metropolis. |
| Between | 1 and | 10 | 121,983 | ,, |
| Between | 10 and | 100 | 98,479 | ,, |
| Between | 100 and | 1,000 | 37,016 | ,, |
| Between | 1,000 and | 5,000 | 4,534 | ,, |
| Between | 5,000 and | 50,000 | 870 | ,, |
| Over | 50,000 | | 4 | ,, |

The exact accuracy of these figures has, however, been disputed, cf. Prothero, Pioneers of English Farming, p. 155; Caird, Landed Interest, pp. 44, 57; Times, Feb. 7, April 7, 1876; Spectator, Feb. 12, Feb. 19, March 4, 1876; cf. Board of Agriculture, Agricultural Returns, 1895, C. 8243, Tables XI–XVIII, 1896, p. xiv, C. 8502.

in the number of moderate sized properties, that is, of those holding from 100 to 500 acres, which are relatively to the population very much on an equality in the two countries,[1] as in the number of those whose holdings are under 100 and above 500 acres.

Thus, whereas in England only some 10,000 own above 500 acres, in France there are some 50,000; and whereas in England there are only some 920,000 who own less than 100 acres, in France the number approaches 5,500,000; and that whereas in France one-half of the population is engaged in agriculture, in England the proportion is barely one-fifth; while in Belgium it is computed that in 1871 there were as many as 1,000,000 landed proprietors out of a population of 7,000,000.

It is the aim of these lectures to attempt to explain how and when this remarkable divergence occurred.

It is often asserted that the disappearance of the small landowner in England is primarily due to our land laws; that is to say to the law of primogeniture and the law of entails. In my opinion their influence has been enormously exaggerated. By the first, it is true that all lands of those who die intestate pass to the male issue before the female, and that, when there are two or more males in equal degree, the eldest son inherits to the exclusion of his brothers. It should, however, be noted that the law does not apply to females, who, if they succeed at all, share equally with their sisters.

[1] Cf. Prothero: Léonce Lavergne, Économie Rurale de la France et d'Angleterre.

*Approximate Numbers.*

| *Acreage.* | *France.* | *England.* |
|---|---|---|
| Above 500 | 50,000 | 10,000 |
| 100 to 500 | 50,000 | 32,000 |
| Less than 100 | 5,500,000 | 920,000 |
| Total | 5,600,000 | 962,000 |

I need not remind my historical friends how often the estates of the great men fell to heiresses or coheiresses and of the many political complications which were thereby caused. Nevertheless it is a matter of interest to know how often this occurred. Among those of noble estate alone there has, since the Norman Conquest, been a failure of male heirs in 467 cases, and in 205 of these cases the estates passed to coheiresses. In 123 cases to 2 coheiresses, in 51 to 3, in 22 to 4, in 7 to 5, in 2 to 6 coheiresses. It is true that where the estate passed to *one daughter*, this would by her marriage often lead to a consolidation of estates. But when it passed to coheiresses the estate would, for the time at least be split up, and in any case the law of primogeniture was not responsible for the result. As to how often this same fate has befallen the families of those below the rank of peers I have unfortunately no evidence. But I know no reason why they should have been more fortunate, and, if this be so, we have here one reason for doubting the overwhelming influence of this law of intestacy.

But a stronger argument remains. Our law of inheritance deals exclusively with the succession to land of those who die *intestate*. Now the full right to dispose of lands by will was possible through the agency of the Court of Chancery, at least as early as the fifteenth century, that is to say at a date anterior to any serious diminution in the numbers of moderate sized landowners; and was possible at the common law partially after the statute 27 Henry VIII, c. 10, and completely by the statute 12 Car. II, c. 24.[1] We have unfortunately no adequate means of proving how often

[1] By 27 Henry VIII, c. 10, all fee simple lands held in soccage tenure and two-thirds of those held by knights service could be devised. 12 Car. II, c. 24, turned all tenures by knights service into soccage, and thus allowed all estates in fee simple to be devised.

landowners have in the course of ages died intestate. But there is every reason to believe that this has rarely occurred except through 'negligence or misadventure', and that therefore the law of primogeniture, dealing as it has only with the intestate, cannot have had the profound influence which is often ascribed to it.

To pass to the second of our land laws—that of entail. This I need hardly remind my hearers was the result of the statute *De donis conditionalibus* passed in the reign of Edward I. Under that statute it was possible for any owner of lands in fee simple absolute, by a grant to a person and the heirs of his body, to tie up such lands in one family according to the principles of primogeniture. Each successor would then only enjoy a life estate, and in the event of the direct issue of the original grantee dying out at any time, the lands would revert to the grantor or his heirs. Although it should be remembered that this statute was only an enabling one and left landowners to dispose of their lands otherwise if they so wished, it is true that for some 160 years it was very generally taken advantage of and that in this way, when once the entail had been created, it could not be broken.

The evil, however, of such a system was soon felt. In the words of Blackstone 'children grew disobedient when they knew they could not be set aside, farmers were ousted of their leases made by tenants in tail (because the leases became void on the death of the tenant in tail), creditors were defrauded of their debts (because the lands of a tenant in tail were not chargeable for his debts after his death), innumerable latent entails were produced to deprive purchasers of lands they had fairly bought, and treasons were encouraged, as estates tail were not liable to forfeiture to the Crown longer than for the tenant's life, although they did escheat to the lord. Accordingly it soon

became the practice to evade the statute by the means of a collusive action termed a common recovery, which was confirmed by the decision of the judges in the case of Taltarum, 12 Edward IV, while in the reigns of Henry VII and Henry VIII a still more simple process termed levying a fine was invented. Finally in the year 1833 any tenant in tail was allowed to break the entail by a simple deed enrolled in the Court of Chancery.[1]

From the middle of the fifteenth century, therefore, it became impossible for any person to tie up lands for ever in any family. Each successive tenant in tail could, by suffering a common recovery, or later by levying a fine, convert his estate into a fee simple absolute and dispose of it at discretion. Henceforth the law of England has always opposed such grants in perpetuity by forbidding any person to create more than one contingent remainder; that is to say, he may grant as many estates for life in remainder as he likes, but only one remainder to an unborn person. Thus an estate can be given to an unborn person for life or in tail, but a further remainder granted to that unborn person's unborn son is void in law. It should, however, be mentioned that estates tail granted by the Crown for public services, such as Blenheim Park, cannot be barred so long as the reversion remains in the Crown, nor any entails which have been specially created by Act of Parliament.[2]

It appears then, that with these exceptions, which are not numerous, the law of England so far from facilitating the *perpetual* tying up of estates in one family distinctly forbids it, and that, though the law of primogeniture is the rule of intestate succession, the law can easily be

[1] For a description of these methods cf. Williams, Law of Real Property, pp. 42 ff.

[2] Williams, Real Property, pp. 264, 305.

evaded. Surely, this being the case, it cannot be held that the accumulation of lands in a few hands is the *direct* result of our land laws. Besides, if for argument's sake this were admitted, the question would at once arise why these same laws did not affect the small owner, and prevent his property from coming into the market to be absorbed by the neighbouring magnate.

Thus we seem to be led to the conclusion that we must look elsewhere for the causes of this peculiarly English phenomenon. The answer, I believe, to the question is to be found in the habits and prejudices of the class of larger landowners, who, as it has been said, look upon the law (or rather custom) of primogeniture as 'a fundamental law of nature as applied to their own class',[1] and in the economical and social forces of the country and its inhabitants. 'Let me have control of the ballads of a people. I care not who makes the laws.' I would amend this saying by substituting customs for songs. *Quid leges sine moribus?* For reasons which I shall hereafter inquire into, the accumulation of landed property has been the passion of the rich, while it has been comparatively little desired by the poor. It has been this prejudice on the part of the rich which has led them to follow the rule of the law of primogeniture in their wills. No doubt it would have been more difficult to satisfy this prejudice if the law of England had forbidden all wills and enforced the system of equal division among the children. But the experience of other countries, notably of France, since the publication of the Code Napoléon, which limits the parental power of testamentary disposition to a part equal to one child's share and divides the remainder among the children equally, goes to show that evasion of such a law is not only possible but probable if such evasion is desired.

[1] Wren Hoskyns, Systems of Land Tenure, Cobden Club, p. 375.

The English wealthy man then followed the rule of primogeniture because he approved of it. But the law against perpetuities was not to his taste; he therefore eluded it by the means of strict family settlements. Let me explain. Even after the introduction of common recoveries no tenant for life or in tail could bar the entail, unless he were actually in possession, without the consent of any tenant for life who was in possession,[1] such possession being generally vested in the father, who held the first life interest, and although by levying a fine he could bar his own issue, he could not bar any remainders or reversions. This restraint was shortly after increased by the plan of introducing into all settlements 'trustees to preserve contingent remainders', whose consent had to be obtained, a custom which was finally devised by Sir Orlando Bridgeman and Sir Geoffrey Palmer, two notable conveyancers during the civil wars; while by the Act of William IV, 3-4, c. 74, the office of protector of the settlement was introduced for the same purpose, an office generally given to the owners of the estates for life, previous to the estate tail, although other protectors are often added. These expedients, resorted to in the first instance to protect the tenants in tail from wrongful acts of preceding tenants, were soon used for the purpose of perpetuating the family settlement. Thus, suppose that an estate has been granted to *A* for life, remainder to his unborn son *X* in tail. The estate is thereby tied up until that son is born and has attained the legal age of twenty-one. Without the consent of his father the son can indeed bar his own issue, but cannot bar any remainders, nor the reversion to the heirs of the original grantor. That is to say, he can only grant away

[1] Chudleigh case.

his future interest for as long as he has children or descendants living.

Taking advantage of this restriction, it soon became the usual custom for the father who held the life estate previous to the estate tail to prevail upon his son, the tenant in tail, as soon as he came of legal age, to cut off the entail, which would then be resettled on his father *A* for life, remainder to himself *X* for life, remainder to his own son *Z* as yet unborn in tail. The estate would thus be safely tied up until that unborn son *Z* was born and had attained legal age, and then the process would be repeated. It will be observed that the tenant in tail in thus complying would give up much. He would have surrendered his remainder in tail on which he might have raised money at once, though this might be at an exorbitant interest, and his eventual right to cut off the entail and sell the property as soon as his father was dead and he had come into possession. In lieu of these rights he would only have received a tenancy for life after his father's death. If, however, he were recalcitrant, he would not only meet with the disapprobation of his family, anxious to preserve the family estate intact, but would be probably threatened by a refusal on the part of his father to give him any pecuniary assistance meanwhile, a threat all the more serious if he thought of marriage and a marriage settlement had to be drawn up, at which uncomfortable crises these family arrangements are usually made.

Thus by a succession of such settlements, which are periodically broken and resettled, the practical results of a strict legal system of entails are obtained—not be it observed by the law, but rather against the spirit of the law. So rooted is this prejudice among the larger landed gentry, and so universal is this tendency, that it is said that two-thirds of the land of England are to-day under

settlements of this kind. Finally, it should be noted that estates tail were made forfeitable for treason, though not for murder, by an Act of Henry VIII; that such estates are also now liable in the hands of the tenant in tail, being the heir of the debtor, for judgement debts, and in the case of bankruptcy can be sold for the benefit of the creditors so far as he can cut off the entail without the consent of any. Moreover, the Court of Chancery has always had power to direct sales with consent of the parties interested, while, by Lord Cairns's Settled Land Act, 1882, all the land in the hands of the life tenants may be sold except the mansion, the pleasure grounds, and park, so long as the proceeds are invested in the hands of trustees to carry out the provisions of the settlement. It is therefore clear that, with the exception of properties specially entailed, no family estate is absolutely *unsaleable*, although owing to the wishes of its owners it seldom comes into the market, except as a consequence of serious extravagance on the part of successive holders.

I do not, indeed, deny that the leaning of the law in favour of primogeniture in the case of intestacy may have had an indirect influence in strengthening the custom of leaving all to the eldest son. But at least in the case of entails it is the other way. Family estates have been kept together not by the influence of the law, but against its spirit. But why, it may be asked, have not the custom of primogeniture and the system of strict settlements kept the property of the small owner from extinction? Those who are most open-mouthed against our land laws admit that they have not. The answer is the same in both cases. The poorer landowners have not the same prejudices, they are not so completely in the hands of solicitors and lawyers, who from their legal training are inclined to lean towards the custom of primogeniture, and,

from a natural desire for employment and fees, to advise the periodical resettlement of family estates. Thus, while they have evaded the law of primogeniture by their wills, they have rarely created an entail, or resorted to the family settlement. Moreover, by the nature of the case, the small landowner is more likely to fall into such financial straits as must necessitate his disposing of his land willingly, by cutting off the entail and selling, or involuntarily, by the law of bankruptcy.

In one respect, however, the indirect influence of the law, it must be admitted, has been considerable. Owing to the technicalities of our legal system, and the absence of any simple method as to registration of title, the expenses involved by inquiries into title and the like have been a serious obstacle in the way of bringing land into the market, and inasmuch as the percentage of expense is far greater in the case of small properties than in that of larger,[1] the intending purchaser, if he be poor, is debarred from competing with his richer rival.

I am not, you will observe, either defending or attacking our system of land tenure. Like all systems which have grown with the growth of the nation, there is a good deal to be said in favour of it, more perhaps against it, for certainly it is accompanied with serious evils, more especially in respect to family settlements. This, however, I leave to other hands. My aim has been to inquire how far our land laws are really responsible for the accumulation of estates in a few hands, and in this respect I cannot but think their influence is commonly exaggerated.

[1] See Cobden Club, Systems of Land Tenure, England, p. 121, ed. 1876. On purchase of land worth £100 the expenses, irrespective of duty, are 23 per cent., of land worth £1,000 about 4½ per cent., of land worth £2,000 about 3½ per cent.

# II

## THE GREAT PLAGUE AND ITS RESULTS

To many writers the Great Plague, which visited England in 1348 and of which there was more than one outbreak, serves as the turning-point in the social and economic condition of England, as a sort of cataclysm the effects of which were never undone. That this should be so is not to be wondered at. For although the East has suffered such catastrophes both before and after, Western Europe, it may be safely said, has never before or after undergone such an awful experience. The way in which it struck contemporaries may be gathered from the following account, written probably by a monk shortly after.[1]

'In the year of the Lord 1348 and in the month of August there began the deadly pestilence in England, which three years previously had commenced in India and then had spread through all Asia and Africa, and coming into Europe had depopulated Greece, Italy, Provence, Burgundy, Spain, Aquitaine, Ireland, France with its subject provinces (he omits Germany and Scandinavia), and at length England and Wales, so far at least as to the general mass of citizens and rustic folk and poor—but not princes and nobles.[2] So much so that very many country towns and innumerable cities are left altogether without inhabitants. The churches or cemeteries, before consecrated,

[1] Cf. Gasquet, The Black Death, p. 187.

[2] The good monk is certainly wrong here, though it is true that the lower classes suffered most. For instance, Joan, the wife of the Black Prince, the Duke of Lancaster, and two archbishops of Canterbury were among the victims.

did not suffice for the dead, but new places outside the cities and towns were at that time dedicated to that use. And the said mortality was so infectious in England that hardly one remained alive in any house it entered. Hence flight was regarded as the hope of safety by most, although such fugitives for the most part did not escape death, though they obtained some delay in the sentence. Rectors and priests and friars also, in confessing the sick, by the hearing of the confessions were so infected by the contagious disease that they died more quickly even than their penitents, and parents in many places refused intercourse with their children, and husband with wife.'

The actual loss of the population has generally been estimated at from one-third to one-half, and the latest investigations seem to confirm the higher estimate, though children appear to have been spared,[1] and such a sudden decline in the population of a country, at that time not over-populated, must, there can be no dispute, have been accompanied by serious consequences.[2] Nevertheless it would appear that the results were rather of a temporary than a permanent nature, and may be compared rather to those of a deluge, whereby the landmarks are for a time obliterated, to reappear as soon as the flood has subsided.

To appreciate the real significance of the plague in altering the tenure of land in England we must try and reconstruct for ourselves the condition of the rural economy just before the dreadful visitation. This, however, is no easy matter, in spite of much evidence which has been of late collected, and in spite of—or, as some cynic has put it, partly

[1] Transactions Royal Hist. Soc. xiv. 126.

[2] The population at Domesday was probably about two millions. It had by 1348 probably increased to about four or five millions. In the Great Plague two and a half millions probably died. The population in 1377, as we learn from the Subsidy Rolls, was some 2,350,000, and did not recover till the end of Elizabeth's reign.

because of—the critical acumen which has been displayed in sifting it. Professor Maitland himself declared that generalities on the early history of the English Manor are not yet safe, and this because of their infinite variety,[1] and yet one must present some general view even at the risk of being condemned for 'rushing in where angels fear to tread'.

A typical manor then, in the middle of the thirteenth century, was a complete social and juridical unit. The arable land is still cultivated in common, generally on the three-field system, each field being left fallow every third year. On these open fields the freeholders and the villeins, who enormously preponderate, except in a few North-Eastern counties such as Norfolk and in Kent, hold their strips, and in return pay rents or owe labour service to their lord. The lord's demesne itself either lies in strips on the open fields, or has become consolidated, and is cultivated by all those who owe him service, such as ploughing, carting, herding cows and dairy work, sometimes partly by hired labour.

If the lord is a small man he lives on the manor and manages it himself. If he is the king or some great lord, ecclesiastical or lay, with many manors, his demesne is managed or let out in farm to his bailiff. Outside the arable land lies the waste. This, according to the Statute of Merton of the reign of Henry III, the lord could enclose or dispose of at will, provided that he left sufficient whereon the freeholders might pasture their cattle, cut turf, timber, and so forth, privileges which by custom were usually shared by the villeins, and for which a small annual payment was made.

By law there is a great difference between the villein or

[1] English Hist. Review, lx. 417.

bondsman by blood and the freeman, and also between the villeinage by tenure and the freehold.[1] The freeman, whether he holds some land on villein tenure or not, is free to come and go; he cannot be forced to act as reeve; he can sell all the lands he holds in freehold, and above all, if his tenure is free, he can sue for a writ of right in the King's Courts against his lord who dispossesses him. The villein by blood or status is bound to the land: he cannot leave it without the lord's licence; he is liable to pay merchet for leave to marry his daughter and leyrwite for her incontinency, and fines for leave to send his boy to school, or to have him ordained; he can be tallaged at the lord's will. The lord can seize his lands and his chattels, except perhaps his waynage or implements of industry,[2] although land or goods which he has himself acquired do not lapse unless the lord has actually taken them in hand.[3] The lord can move him from one holding to another and increase his labour services. He can sell his labour, or even his person and his family, away from the manor altogether. The bondsman by blood is indeed protected in life and limb against his lord, and as against all others he is free and can enforce any engagements made with them, but he must first get his lord's leave and pay a fine (gersumma).

So again the difference between villeinage and free tenure is considerable. If it is free, the services—other than the military service, which was forty days whenever called upon—and the dues are fixed and immutable, whereas the characteristic feature of villein tenure lies in the uncertainty of the services. 'He knoweth not to-night what he may

[1] But N.B.: There is no difference between villeins in gross and regardant. The terms apply to the same person from different points of view. In gross = villein without further qualification. Regardant = in reference to the manor. Vinogradoff, Villeinage, p. 55.

[2] Ibid., p. 75.

[3] Ibid., p. 67.

have to do to-morrow.' He must grind his corn at the lord's mill and pay dues; he must pen his sheep on the lord's fold to manure it; he must keep his buildings in repair and his ditches clean; he pays numerous little dues in kind or money. Lastly villein tenure, unless it was on ancient demesne (a manor which had been in the king's hand 'when Edward the Confessor was alive and dead', that is in the first year of Will. I), is not protected by the king's court, while on his death his lord can admit whom he likes, and if his son is admitted he must pay a heriot.

Such was the legal position of the villein whether by status (blood) or by tenure. Yet we must remember that the manor was a juridical unit and had its court.[1] Here no doubt the lord or his steward presided. We might therefore expect that in and by this court the chains of villeinage would be all the more strongly riveted. The fact was otherwise. Just as the existence of a good system of justice acts as a control on the arbitrariness of a despot, so it was in the case of the manor. In this court all tenants, free and villein, were suitors, and though villeins alone could be forced to serve on the juries, freemen also did. It was under the protection of the court that those *customs* grew, which served as an effective check on the will of the lord. Custom is the very life of the manor, the court is the protector of that custom, and the suitors were the interpreters of that custom. 'To fix,' says Professor Maitland, 'in precise terms the degree of binding force that the lords in their thoughts and deeds ascribed to manorial custom would be impossible. Generalizations about the moral sentiments of a great and heterogeneous class of men are apt to be fallacious, and when a lord pays respect to a custom that cannot be enforced against him by any compulsory legal

[1] N.B. Only one court. The distinction between Court Baron and Court Customary came later.

process, it will be hard to choose between the many possible motives by which he may have been urged; provident self-interest, a desire for a quiet life, human fellow feeling for his dependants, besides his respect for the custom as a custom, may all have pulled one way.'[1] But whatever were their motives, custom grew, and the position of the villein no longer 'depended on the caprice of the lord though it depended theoretically on his will',[2] and if the villein forfeited his land for non-performance of his duties, the question whether he had so failed was decided by the court where the villeins, and not the lord, were the judges.

Thus although all that the villeins by blood possessed belonged by law to the lord, in practice we find them enjoying property, and buying and selling at will.[3] Further, the distinction between villein status and villein tenure, though it still existed, was becoming obscured, because many villeins by status held lands on free tenure and many free men held lands on villein tenure. The freeholder often worked by the side of the bondsman on the lord's demesne. They often served on the juries of the court, and in some cases paid the merchet which was considered the especial mark of bondage by blood.[4]

Meanwhile uncertainty, which is the especial mark of service by villein tenure, was passing away. First the *amount* of labour which each villein by tenure owed became fixed, and then the system of commutation of labour services on the demesne for money payments followed. This may have been caused by the fact that with the increase of the number of villeins, more labour was due than the lord required, or, in the case of the boon, or occasional services,

[1] Pollock and Maitland, i. 359.
[2] Vinogradoff, Villeinage, p. 176.
[3] Page, End of Villeinage, p. 15.
[4] Vinogradoff, Villeinage, p. 154.

because the dues paid in kind to the lord in return became with the rise in price of commodities more valuable than the boon service itself.[1] However this may be, as early as the thirteenth century at least we find villeins on some manors 'buying' their works.[2] Mr. Thorold Rogers no doubt exaggerated the extent to which commutation had advanced by the middle of the fourteenth century,[3] but Mr. Page[4] has shown that in the period 1325-50, out of 81 manors selected at hazard, in 6 manors services had been entirely commuted; in 9, most; in 22, half; in 44 the team work had been commuted but none of the hand work. Moreover there were many cottagers who held no land, and eked out a living by labour at wage, while in many manors the ploughing was done not by the villeins, but by men, perhaps cottagers, specially employed for the purpose.

Thus at the date of the Plague there were three classes of villeins:—

1. Those who had commuted all their services for a fixed money payment.
2. Those who had commuted some but not all their labour services.
3. Those who still owed services at the will of the lord.

Finally the system of leasing lands, often to the bailiff or reeve himself, had already begun.

Under these circumstances the effect of the Great Plague was different on different manors. In all, the sudden reduction of the numbers of the villeins by one-

[1] Vinogradoff, Villeinage, p. 175.

[2] Maitland, Hist. Review, ix, p. 419; Cheyne, English Hist. Review, xv. 33; Transactions Royal Hist. Soc. xiv. 125.

[3] Th. Rogers, Hist. Agriculture and Prices, i. 84.

[4] Page, Villeinage, p. 45 Cunningham, English Industry, i. 513, 515.

half caused great dislocation. Labour became much more valuable and learnt its power. Yet the effects were much more serious on the last two classes than on the first. Those villeins who had commuted their services were comparatively little concerned. But those who still owed services were unwilling or unable to do them. In some cases they were all dead; in some, children or widows alone remained; in others, they refused to serve, and deserting their holdings, sometimes with leave on paying a fine, sometimes without leave, joined the class of free labourers, who were demanding higher pay,[1] to be met by the Statute of Labourers with which we are not here concerned, but which tried to fix wages by law.

In all such cases, that is where the villein died or fled, the land fell to the lord, and as he could not find others who would perform the due labour services, or force the surviving villeins to take up more land on villein tenure, or increase the labour services, as he could by law, he was forced either to take the land into his hands,[2] or to let it out to others on lease. Thus in this way there can be no doubt many villeins by their own act severed their connexion with the land and joined the class of free labourers divorced from the land, while the lords increased the amount of land in their own hands. The lords too, no doubt, would decline to advance further in the direction of commutation since labour was now more valuable than any commutation which their villeins would be likely to agree to. Mr. Page suggests, indeed, that the lords would be the more willing to commute, since by the halving of the population the lord would have relatively more money.

[1] Maitland, A Cambridgeshire Manor, Eng. Hist. Review, ix. 423; Norfolk manor, Transactions Royal Hist. Soc. xiv. 127.

[2] In one Norfolk manor, Forncett, 60 to 70 tenements were in the lord's hands, Transactions Royal Hist. Soc. xiv. 127.

But Vinogradoff reminds us that this would be neutralized by the financial panic and dislocation of trade which necessarily ensued.[1] That in any case there was any general attempt on the part of the lords to redemand services from those villeins who had already commuted them, as Mr. Thorold Rogers asserted,[2] is an assumption for which there is no proof, while as to eviction, that is still less likely. For why should the lord wish to evict those villeins who remained, when he had already more vacant holdings than he could dispose of?

Nor is there any reason to believe that the lords rejoiced in the disappearance of the villein. We must remember that at that date England was only thinly populated, and that labour was of much more value to the lords than land which they had difficulty in cultivating, especially when the price of labour was rising and the labourers had just learnt the value of their labour, and were resisting the fixing of the price by labour statutes. Nay, we have evidence to the contrary. In the Court rolls of the time, shortly after the plague, we often find a notice that certain lands have been temporarily granted for a definite rent, until some one shall be found who is willing to pay the old labour services, or until the heirs of the villeins who are dead or have fled may be found,[3] or until the children have grown to man's estate. There was, in short, no remedy open to the lord, except either to allow his demesne lands to lie waste, or to let them to farmers on lease, or to turn them into pasture whereby he would escape the necessity of demanding much labour.[4]

[1] Page, Villeinage, p. 57; English Hist. Review, ix. 280.

[2] Thorold Rogers, Six Centuries of Wages, pp. 218, 219, 254; Page, End of Villeinage, p. 38.

[3] Page, Villeinage, pp. 55, 85; Maitland, English Hist. Review, ix. 429; Scrope, Castlecombe, p. 161; Oxford Hist. Soc., Cartulary of Eynsham, ii. xxvi.

[4] In the manor of Forncett, however, half the manor was leased by

It was, however, impossible for the lords speedily to betake themselves to these remedies. The financial shock and general dislocation of society and of credit would render it difficult for them either to find farmers who had the necessary capital to take the land on lease, or themselves to find the capital for tending the stock, or to purchase the necessary sheep wherewith to feed down the lands that were in hand. These changes in the economical arrangements of the demesne belong rather to a later date, when the direct influences of the great visitation had passed away.

Nor did the rebellion of the peasants have much permanent effect. Thorold Rogers's statement that it was due to the attempt on the part of the lords to recall villeins who had commuted their labour to their service again has been disproved. Many peasants joined the rebellion from manors where almost complete commutation had taken place, and some manors where there was little commutation were undisturbed.[1] Indeed, judging from a statute of Richard II, only four years before the revolt, it would appear that villeins were refusing to pay their services, 'declaring that they were quit and utterly discharged of all manner of serfdom, under colour of certain "exemplifications" made from Domesday.'[2] No doubt the lords would be more strict with regard to the services that remained, and Langland complains of heavy fines. 'When ye impose a fine let mercy fix the amount,' and Wyclif makes the same complaint, though the records of manors do not bear this out. The rebellion began in Kent, where

1378 (Transactions Royal Hist. Soc. xiv. 129), and all the demesne lands of Merton College by 1360 (Oman, The Great Revolt, p. 6), and so also all the villein lands of the manor of Rustinton, Trinity College, Cambridge (O. 1. 25).

[1] Page, Villeinage, p. 69.

[2] Statutes of Realm, ii. 2. 3.

there was little or no villeinage,[1] as well as in Essex, where there was much. No doubt some of the rebels desired to escape from villein status, and desired that the services due from villein tenure should be commuted for a fixed sum. But the rebellion was largely joined by free labourers and townsmen, and was probably caused far more by the Statute of Labourers, by the poll tax, and by the general political discontent[2] than by any special grievances of the villeins by tenure. Moreover, the rebellion failed.

Thus, then, so far as we are concerned, the direct and permanent results of the plague were not as great as many have asserted. Economic history, as Maitland reminded us, is not catastrophic. Many of the changes which have been attributed to it had begun before; some of these it checked, others it accelerated slightly, and that is all. A few years after the visitation and the peasants' revolt the manors assumed their old aspect. A few more services had been commuted, and a little more land was let on lease. But villeinage by status and the services of the villein by tenure still survived.[3] The only serious results were that the number of the villeins, either by status or by tenure, was reduced partly by death of the tenants or because they had run away; that in this way the peasant was divorced from the soil and went to swell the class of landless but free labourers; that more land without any inhabitants had fallen to the lords of the manor, of which they could at first make little use; and that labour had for the first time learnt its value.

Nevertheless, the disintegrating influences of the plague

[1] Vinogradoff, Villeinage, pp. 205, 218.

[2] Ashley, Economic Hist. i, pt. i, p. 31.

[3] Page, Villeinage, p. 92; Cunningham, i. 515; Cheyne, English Hist. Review, xv. 35; Maitland, English Hist. Review, ix. 423; Reville, Soulèvement des Paysans, c. xxix.

and of the Statute of Labourers were great. 'By them the old manorial system based on custom was weakened, and the relation of employer to employee took the place of lord and villein. The Statute of Labourers introduced the agents of the king, and the law entered into the sacred precincts of the manor.' A vagrant villein could be forced to work by statute, and his lord could not reclaim him till the end of his labour contract, and infinite collisions of rights based on the manorial customs and those given by statute arose.[1]

Yet even these effects, both direct and indirect, would not probably have been permanent had the economic conditions of the country remained the same. In all probability the lords would in that case again have found labourers who would pay labour services for their lands, although the amount of service might have been reduced, and villeinage itself could not be exactly re-established.[2] The economic arrangements of the manor might have been restored, and the poor man might not have severed his connexion with the land. That this is not a wild supposition is surely shown by the fact that in other countries like France and Germany, which suffered from the plague apparently as heavily as did England, the manorial system was not broken up, that villeinage continued till much later, and that the poor man, however miserable his condition may have been, was not at least divorced from the soil.

That in this respect England differed is due primarily to that industrial revolution caused by the transition from an agricultural to a trading and manufacturing country which had already begun and was in the future to have such a profound effect upon her social fabric.

[1] Cf. Transactions Royal Hist. Soc. xvii. 252. Quoting from Pretrushevsky, Wat Tyler's Rebellion.

[2] A villein tenure when it had once lapsed to the lord could not be revived, according to the strict legal theory.

Mr. Ashley[1] has pointed out the importance of the wool trade with Flanders. We know that the wars of Edward III were largely commercial. But England was also becoming a manufacturing country, witness the advance of the cloth industry. In the century and a half which followed the Great Plague this development was far more rapid, and there were few countries, if we except Italy and Flanders, where industries were so flourishing or trade so prosperous. Thus the author of the 'Commodities of England'[2] speaks of the woollen cloth ready made at all times to serve the merchants of any two kingdoms, Christian or heathen, and of the store of gold and silver ore, whereof Englishmen had 'the worthiest payment passing any land, Christian or heathen'. And the number of the churches built in the perpendicular style, more especially in the woollen districts, like that of Norfolk and the Cotswold, from the middle of the fourteenth to the close of the fifteenth century, tell the same tale.

All this is, however, quite compatible with the opposite view, that the fifteenth century was one of great distress,[3] for the period was characterized by the breaking down of the customary and self-sufficing methods on which industry, both in town and country, had hitherto been based, methods by which private enterprise had been checked. Competition was beginning to have freer play. Domestic industry, especially that of weaving of cloth in the rural districts, was taking the place of the old guild system and causing dislocation of manufactures in many towns. Out of the wreck of the mediaeval system the capitalist was arising, who found in this new world a field for enterprise

[1] Ashley, Economic Hist.; Cunningham, i. 389.

[2] Written somewhere about 1450, possibly by Fortescue. Cf. Plummer, Fortescue, Gov. of England, p. 81.

[3] Cf. Cunningham, English Industry, i. 393.

and business capacity. In a word the merchant prince was appearing, men like the later Jack of Newbury, and William Canynges with his argosy of ships.[1] With the growth of individual enterprise, money and capital in the modern sense of the word became accumulated in private hands, the more so because the expulsion of the Jews by Edward I, and the failure of the Bardi and other Italian bankers in the reign of Edward III, had opened the way for Englishmen to engage in the profitable business of money-lending. Under these circumstances money became the chief *nexus* between man and man, and a system of 'Geldwirthschaft', to use Hildebrand's and Schmöller's phrase, took the place of the old economy, in which money had little part, much earlier than elsewhere except in Italy and in Flanders.

It was this revolution which was the real solvent of the manorial system, and which prevented its reconstruction after the shock of the Great Plague. More villeins, tempted by the new opportunities and the rise of wages which the development of trade—especially of the cloth trade—furnished, ran away, sometimes with leave and paying a small fine, sometimes without.[2] Those who stayed pressed for further commutation of their labour services, and though the manorial lords appear at first to have resisted these demands, since the commutation they received was fixed by custom at a much lower rate per day's work than hired labour cost at the time, they were forced finally to comply, and soon began to see

[1] Cf. Pryce, The Canynges family; Law, Nouveaux riches of the fourteenth century, Transactions Royal Hist. Soc. ix. 49.

[2] Miss Davenport says: Judging from evidence of Forncett Manor, Norfolk, it would seem that sufficient importance has not been given to the voluntary withdrawal of villeins. Combating Cheyne's view that it was only a few of the restless spirits who would do that. The fugitives from Forncett Manor became weavers, tailors, shoemakers, smiths, carpenters, hired labourers.

that it was to their own advantage so to do. They realized that the old method of cultivating the demesne with compulsory labour was clumsy and ineffective, and as they now leased a large part of the demesne they no longer required the labour, and preferred the money commutation. Thus commutation went on apace.[1]

From statistics furnished by Mr. Page in his pamphlet on 'The End of Villeinage in England',[2] based on Ministers' (manorial officials) Accounts and Court Rolls, which are unfortunately not as complete as one could wish, I have drawn the following results. Taking 28 manors in different parts of England, most of them in the hands of ecclesiastics who appear to have been slower to change than was the case with lay lords, and as to which there is a fairly consecutive account from 1325 to 1440, I find that, whereas in the thirty years following the Black Death (1350–80) commutation had only been introduced into 9 manors (in 4 with regard to half, in 3 with regard to most, and in 2 with regard to all), and that whereas in the ten years following the revolt of the peasants, 1380–90, it had been introduced into one more only, while in one commutation had advanced from half to nearly all the services and in 2 to complete commutation, in the following thirty years (1390–1420), when the immediate effects of the Plague had passed away, commutation had begun in 9 more manors, was nearly complete in 7, and complete in 2, while in only 2 of the 28 did services still remain intact, and by 1440 half the services had been commuted in 4 more and nearly all in another 4.

[1] Transactions Royal Hist. Soc. xiv. 140; English Hist. Review, Jan. 1900, p. 29.

[2] Page, Villeinage, American Economic Assoc., Series iii, vol. i. 2, pp. 45, 60, 78.

| 28 Manors | 1325–50 | 1350–80 | 1390 | 1400 | 1410 | 1420 | 1440 |
|---|---|---|---|---|---|---|---|
| No Commutation, except team work . | 21 | 12 | 11 | 9 | 6 | 2 | 2 |
| Half the praedial services. . . . . | 6 | 10 | 8 | 7 | 7 | 8 | 4 |
| Nearly all . . . | 1 | 4 | 5 | 7 | 9 | 12 | 16 |
| All . . . . . | 0 | 2 | 4 | 5 | 6 | 6 | 6 |

The rapidity with which commutation advanced between 1390–1440 will perhaps be more apparent if we take the larger number of 59, though we cannot unfortunately trace their history during the thirty years preceding.

Thus whereas in 1390 there were, out of 59, 14 manors where there was no commutation, except the team work, in 1440 some commutation had extended to all, and whereas in 1390 there were only 17 in which most of the labour services were commuted, in 1440 there were 25, and 23 in which total commutation had taken place, against 16 in 1390.

| | 1380–90 | 1440 |
|---|---|---|
| No commutation except team work . . | 14 . . | 0 |
| Half commuted . . . . . | 12 . . | 11 |
| Nearly all . . . . . | 17 . . | 25 |
| All . . . . . | 16 . . | 23 |

Or again, out of 182 manors, in the year 1440, 101 had commuted all services, 52 almost all, 19 half, and in 8 only was none of the labour, except the team work, commuted.

After 1440, we have unfortunately not enough statistics to help us, yet it is pretty certain that by the middle of the century there were few manors on which praedial services were exacted. Some of the old incidents of villein tenure, such as fines on alienation, inability of the tenant to cut ancient timber and even the payment of heriot by the successor survived, but the uncertainty of the services which had been the essential characteristic of the tenure in villeinage disappeared. Meanwhile the villeins who remained

increased their holdings either of old villein land or soiled land (i. e. land originally free), but now held by them on villein tenure, and were in comfortable circumstances.[1]

With the practical disappearance of villeinage by tenure the *raison d'être* of villeinage by blood status was gone. It has often been observed that slavery, or something like it, is the accompaniment of farming or of tillage on a large scale from the days of the Roman *latifundia* to those of the plantations of America and the West Indian Islands. But in consequence of the industrial revolution of the fourteenth and fifteenth centuries, the manorial lords either gave up the old system of farming on a large scale through their bailiffs or betook themselves to sheep-farming which did not require so many hands. The farmers who took the land on lease, though sometimes they were given the right of using the labour due from bondsmen, would find difficulty in enforcing these rights, especially as the lords of the manor would no longer have a direct interest in insisting upon them.

Moreover the bondsman, having no claim on the land, had less reason for staying than the villeins by tenure. They ran away to seek a better livelihood elsewhere, or to the wars, or to wear the livery of some great noble, or to become clerks or lay brethren in the monasteries. The manorial records still kept the names of those who fled and insisted on the right to seize their goods at discretion. But action rarely followed.

Meanwhile the courts, both manorial and royal, favoured liberty. They would not allow any one to be claimed as a serf who was not *born* in serfdom. The tests of serfdom, the merchet, the leyrwite, the gersumma, were often paid by those who were villeins by tenure only, and thus became indistinct and confused. The king's courts threw the

[1] Transactions Royal Hist. Soc. xiv. 141, 131.

burden of proof on the lord, and the gradual decay of the judicial power of the manorial courts and its transference to the justices of the peace deprived the lords of their power of retaining control.

In spite of the assertion of Harrison in his Commonwealth of England (1580), that 'of bondsmen we have none', and that of Sir Thos. Smith, who writing about 1583, says that he never knew of any in the realm in his time, it is certain that villeinage by blood still survived, especially in the west, as manorial records and contemporary authorities prove. Fitzherbert in his book on Surveying (1523) says that, 'it continueth as yet in some places and is the greatest inconvenience that is now suffered by the Law.' Norden in his Surveyors' Dialogue says the same. The abolition of serfdom was one of the demands in Ket's Rebellion (1549), and as late as 1575 commissioners were appointed to carry out manumissions on crown manors.[1] Nevertheless for all practical purposes villeinage by tenure and villeinage by blood had disappeared by the close of the fifteenth century, and thus England, just at the time when she was becoming influenced by the system of *Geldwirthschaft*, also gained *Freizügigkeit*, or freedom of movement. That is to say a society which had originally been organized on the basis of status and of custom was now attaining greater fluidity, and becoming subject to the influence of competition, of free contract, and of modern monetary arrangements, far earlier than the rest of Europe.

The result of all this is to be seen in two changes which materially concern us. In the first place, to the words in

[1] Cf. Cheyne, English Hist. Review, xv. 24; Savine, Transactions Royal Hist. Soc. xvii. 25, gives evidence of existence of bondsmen in 26 counties and in 80 manors at least, 500 families, perhaps 2,000 persons, in Tudor times. Fitzherbert, Surveying, ed. 1539, p. 31; Scrope, Castle Combe, p. 284, for manumission of a serf who was rich in 1488.

the earlier grants where the villein was said to hold *in villenagio ad voluntatem domini secundum consuetudinem manerii*, we find the words *per copiam rotuli curiae*, 'by copy of court roll' added, and whereas in early days the will of the lord was only limited and restrained by the unwritten custom of the manor, that custom was now more definitely defined by the terms entered on the manorial roll, and thus tenure in villeinage became gradually called 'copyhold'. The question how far this copy was legally binding on the lord is a vexed question of much importance which we must deal with in a subsequent lecture. In any case it was something that the custom should be more strictly defined.

The second innovation, that of the increase of leases, was not so much to the interest of the small owner. The system, first applied to the demesne, was subsequently extended to the lands on the common field. These leases were usually those known by the name of 'stock land and lease', a system under which the landlord supplied the implements and the stock as well as the land, the tenant paying a certain share of the produce in return. They were sometimes granted for years, sometimes for life, sometimes for a number of lives, sometimes at the will of the lord. Under the grant for a fixed term of years, the tenant was secure till the end of the term, but when it was at the will of the lord there was no such security. There seems also to have been some confusion between copyholds and leaseholds. In some cases, apparently, the new grants were made in copyhold for life or lives, in others, the copyholders surrendered their lands and took them on lease for life or lives at the will of the lord.

There is therefore some reason to believe that the security of the small owner was in this way impaired. As long as the difficulty of the landlords was to find tenants at all, this was of no moment, but when, with the advance of

the fifteenth century, the great men had taken to sheep-farming, when the class of tenant farmers, eager for land, grew, and the system of enclosures began, the tables were turned. The large owners now desired to increase their landed property and their rents, and also to get rid of the copyholders, whose dues could not easily be raised beyond the terms of the manorial roll. Now would be the time when the landlords might take advantage of the insecurity of the small tenants, who had taken leases for life or lives, and evict. There is, however, no proof that this did occur to any extent until the closing decades of the fifteenth century at least, and the question how far it occurred subsequently belongs to my next lecture.

Thus then, in spite of the important changes in the economical structure of England during the later fourteenth and fifteenth centuries, it does not appear that, apart from the actual destruction of the villein class by the plague itself and the voluntary departure of some of the survivors themselves, there was during that period any serious diminution in their number. Their position was indeed altered in some cases for the better, in others for the worse. But the numbers remain much the same. Meanwhile it seems probable that the number of the freeholders increased. A good deal of land, it would appear, came into the market and was sold outright, and the new purchasers, especially of land on the demesne, would hold their land neither in villeinage, nor in copyhold, nor by lease, but in freehold.

Such a process was facilitated by the economical and political conditions of the time. Owing to the dearness of labour it was not very easy to cultivate land profitably, otherwise than as a sheep farm at least, and land was therefore cheap. This was just the moment when the man with a little capital might purchase lands on easy terms. We know that the fifteenth century was marked by a serious

reduction in the number of the noble families, and that their losses, as well as of those of inferior estate, were serious during the Wars of the Roses, and if in some cases this led to the consolidation of estates by intermarriage, in others the land would come into the market.

It should also be remembered that it was in the reign of Edward IV that the system of strict entails was broken down, while the family settlements of later times had not yet been invented. Hence owners of land were freer to sell than they had been before or were to be again. Nor was there any law, as in parts of Germany, which forbade the burgher or the peasant from buying the lands of nobles. In every way the close of the fifteenth century gave opportunity to the small capitalist to acquire land, and that they did so seems probable from the number of the sturdy yeomen of whom we hear during the Tudor times. Here, however, I must warn my hearers that the term yeomen included those who were tenant farmers and not owners. Thus T. Smith, who wrote in the reign of Elizabeth, tells us 'that yeomen are for the most part farmers for the gentry'.[1] Bacon says many yeomen held tenancies for life or years. Latimer's yeoman father had no lands of his own but rented a farm,[2] and we even hear of yeomen who were bondsmen.

In short, I suspect that it was not so much the small husbandman who bought land as the *nouveaux riches* of the merchant class. The man of small capital would find a greater prospect of investing that capital profitably in manufacture or in trade. It would be rather the successful merchant or the woolstapler men of the type of Judge Paston

[1] Sir T. Smith, Commonwealth of England, ed. 1589, Bk. iii, c. 10. He, however, adds 'that by this means they come to such wealth that they are able and do daily buy lands of unthrifty gentlemen and . . . make their sons gentlemen'.

[2] Latimer, Sermons, vii; cf. Dict. Pol. Ec., article Yeomanry; Bacon, Henry VII, ed. 1819, vol. v. 61.

and Sir John Fastolf who, having made a substantial fortune, would find in the low-priced land a safe and an improving investment as well as that social and political position which land was beginning to give.

Thus, to sum up our conclusions, the chief changes during the fifteenth century so far as we are concerned were—

1. The rapid though not complete extinction of villeinage by blood.

2. The reduction in the number of villeins by tenure.

3. The advance of the process of commutation of labour services and the change of villein tenure into copyhold.

4. The substitution in many cases of copyholds for lives, and leases for lives, for copyholds of inheritance.

5. The increase in the number of freeholders, for the most part successful men of business who purchased lands thrown into the market by the political and other circumstances of the times, and therefore the dispersion of some of the larger estates.

# III

## THE ENCLOSURES OF THE FIFTEENTH, SIXTEENTH, AND SEVENTEENTH CENTURIES

### THEIR EXTENT AND THEIR RESULTS

If we are to trust the contemporary literature and the legislation of the sixteenth and early seventeenth centuries we should be forced to admit that the social dislocation and the distress caused by the enclosures of the fifteenth and early sixteenth centuries were very serious.

From the appearance of Sir Thos. More's Utopia in 1515 or 1516, to the publication of Robert Powell's 'Depopulation arraigned' in 1636, there are only four writers of note who have anything to say in their favour. Of these Carew,[1] who contemptuously calls the system of common cultivation 'mingle-mangle', speaks only of Cornwall, where, as we shall see, the conditions were peculiar. Thomas Tusser, the author of Five Points of Husbandry, published in 1573, was, like A. Young in the eighteenth century, unsuccessful as a practical man. A choir boy well whipped at school, a musician, a grazier, he failed in all, till he betook himself to the writing of doggerel verses. Moreover, he was an Essex-born man, and lived chiefly in Suffolk. He is thinking, therefore, of districts which had been early enclosed and which were probably still being used for arable purposes. Fitzherbert, in his book on surveying,[2] confines himself to suggesting methods

[1] Carew, 1600.

[2] As to the authorship of the Book on Surveying, cf. Quarterly Journal of Economics, vol. xviii. 588.

by which enclosure may be effected by agreement without depopulation; to which he adds, that if so done, and if the land enclosed were used for arable purposes, it would not only increase the produce but be to the interests of the poor.[1] And the last, Standish, New Directions to Commons' Complaint, is also chiefly concerned with enclosure for arable purposes, which was not so disastrous as when the land was used for pasture.[2]

We must, however, remember that the enclosing of the sixteenth century was for the most part, at all events in the districts where it caused most complaint, the enclosing of the common open field, not of the waste or commons,[3] and that the land so enclosed was used chiefly not for arable purposes but for pasture, mainly of sheep. This is the change which is so violently denounced by most writers. A few quotations will serve to show the nature of the alleged grievance. 'Surely,' says Moore in his Scripture Word against Enclosure, p. 6, 'they may make men as soon believe that there is no sun in the firmament as that . . . decay of tillage will not follow enclosure in our inland counties.'[4] 'Therefore,' says Sir Thomas More, 'that one covetous and insatiable cormorant may compass about and enclose many thousand acres of ground together within one pale or hedge, the husbandmen be thrust out of their own, or by violent oppression they be put beside it, or by covin and fraud they be so wearied that they be compelled to sell all; by

[1] Fitzherbert, Surveying, p. 96, ch. 40.

[2] Standish, New Directions to Commons' Complaint, 1613.

[3] The enclosure of the waste, however, caused some discontent, more especially in the North, e.g. Pilgrimage of Grace and revolt under Somerset. Transactions Royal Hist. Soc. xviii. 196 ff.

[4] As to proportion of enclosed lands being used for arable and pasture, cf. Leadam, Domesday, 41, 42; Gay, Transactions Royal Hist. Soc. xiv. 243; English Hist. Review, July, 1908, 268.

one means, therefore, or another, either by hook or crook, they must needs depart away, poor, silly, wretched souls, men, women, husbands, wives, fatherless children, widows, woeful mothers with their young babes, and their whole household, small in substance and much in number, as husbandry requireth many hands . . . and when they have wandered about till that (the little they have got by sale of their goods) be spent, what can they then else do but steal, and then, justly, pardy, be hanged or go about begging.'[1]

We all know the lament of Latimer. 'Where there were once a great many householders and inhabitants there is now but a shepherd and his dog.' W. S. says, 'Those shepe is the cause of all those mischiefs, for they have driven husbandrie out of the country by the which was increased all kind of foode. But now only sheepe, sheepe, sheepe!' and Trigge (1604, Humble Petition), 'England hath been famous throughout all Christendom by the name of merrie England, but covetous enclosers have taken this joy and mirth away; so that it be now called sighing or sorrowful England. I have hearde of an old prophesee that Horne and Thorne shall make England forlorne'; while John Moore in his Scripture Word against Enclosures, 1653, says, 'England, and especially Leicester and the counties round about, stands now as guilty in the sight of God of the sinnes in the text. They sold the righteous for silver and the poor for a pair of shoes.'[3]

The denunciations of the preacher were adopted by the people; the spirits of departed enclosers, more especially the emparkers, were believed to haunt the scene of their self-made desolation with cries of guilty remorse, and the lands of these madded, cruel, irreligious depopulators to

[1] Utopia, Robinson's translation, p. 41.

[2] Latimer, Sermon vii, p. 101.

[3] Moore, p 1.

pass away from their families.[1] The testimony of these writers is supported by a host of others. In short, there is an almost universal consensus of opinion on the subject—writers of doggerel ballads, pamphleteers, and preachers.[2]

Nor should we forget that the preambles to the numerous statutes[3] passed, and the royal proclamations issued during the period tell the same tale. We hear of houses and townships wilfully decayed, of churches decayed for want of parishioners, of population being inestimably diminished, of 'marvellous multitudes' reduced to beggary and crime, of England being in 'marvellous desolation'. Unfortunately this evidence is not of itself conclusive. Nothing is more delusive than popular estimates of this sort. Not only is the writer who caters for the public ear likely to exaggerate, but a witness who sees trouble and distress around him is apt to conclude that the evil is universal, while the preambles to the Tudor statutes are always *ex parte* statements; they were penned to vindicate the aim of the statute and they reflect the views of authors of those statutes just as the speeches of an advocate of a measure do to-day.

When, on the other hand, we turn to actual evidence as to the extent of the enclosures of the period we are astonished to find that the number of counties affected are comparatively few, and the area inconsiderable. Accordingly, Mr. Gay, who has devoted much time and labour to this question, declares that the literature of the period is marked by 'hysterical and rhetorical complaint, and is condemned by its very

[1] Scruton, Commons, p. 84; Slater, Enclosures, p. 91.

[2] See Cheyney, Social Changes, for a useful bibliography of contemporary writers, p. 108.

[3] There were twelve statutes passed during reigns of Henry VIII to Elizabeth; cf. for a short summary, Slater, Enclosures, p. 323.

exaggeration'.[1] To prove his assertion he refers us to the statistics of the period. Unfortunately these, as he himself fully allows, are by no means complete. They are based on returns made in Chancery by the Commissioners of 1517–19, in 1548 and 1566, and again in 1607, appointed to inquire into the violations of the various acts. The presentments for 1517–19 are preserved either in abstract or in full, and deal with twenty-four counties. Those for 1548–66 give very meagre information for four, while those for 1607 only deal with six counties, all of them among the previous twenty-four, except Huntingdon. Lastly, there are some judicial proceedings before the Courts of Exchequer, the Court of Chancery, the Star Chamber, and the Court of Requests.[2]

Now the total area declared to have been enclosed in these presentments is only 171,051 acres out of a total acreage of 18,947,958 (roughly nineteen millions) or 0·90

[1] Quarterly Journal of Economics, xvii, p. 587.

[2] Cf. Transactions Royal Hist. Soc. xiv. 238, No. 2; Quarterly Journal of Economics, xvii. 577. The counties are as follows:—

| | | |
|---|---|---|
| Visitations, 1517–19. | 1. Beds. | 13. Middlesex. |
| | 2. Berks. | 14. Norfolk. |
| | 3. Bucks. | 15. Northampton. |
| | 4. Cambridge. | 16. Nottingham. |
| | 5. Cheshire. | 17. Oxford. |
| | 6. Derbyshire. | 18. Rutland. |
| | 7. Essex. | 19. Salop. |
| | 8. Gloucestershire. | 20. Somerset. |
| | 9. Hants. | 21. Stafford. |
| | 10. Hereford. | 22. Warwick. |
| | 11. Leicester. | 23. Wilts. |
| | 12. Lincoln. | 24. York. |
| 1548-66. | 1. Warwickshire. | 3. Leicester. |
| | 2. Cambridge. | 4. Buckingham. |
| Visitation, 1607, caused by the Revolt of the Diggers, cf. Transactions Royal Hist. Soc. xviii. | 1. Beds. | 4. Leicester. |
| | 2. Bucks. | 5. Northampton. |
| | 3. *Huntingdon.* | 6. Warwick. |

per cent. Inasmuch as those presentments are manifestly incomplete, at all events for the years 1548 to 1607, and as we have no returns for the period anterior to 1455, Mr. Gay has constructed a hypothetical table based on a calculation which, though reasonable, is too long to enter into here,[1] according to which the total amount of acres enclosed from 1455 to 1607 comes to 516,673 (something over half a million of acres) or 2·76 per cent. of the total area of England.

If we could be sure that this is the maximum amount of enclosure in the twenty-four counties above enumerated, there does seem good grounds for Mr. Gay's assertion that the writers of the period were guilty of gross exaggeration, and that it was only the feeble beginning of an agrarian revolution which took two and a half more centuries to complete. But there are good reasons for believing that even the returns we have are not complete. Some of the commissioners themselves were interested in baulking inquiry.[2] Hales, one of the few commissioners of 1607 who was in earnest, tells us that they met with dogged resistance, and had the greatest difficulty in obtaining full returns. 'Somme found means to have their seruantes sworne on the Juryes to thyntent to haue them hazarde ther soules to save thir gredynes; and as I have lernyd syns it is not possible, in any of the Shires wher we wer, to make a Jurye without them, such is the multitude of Reteynours and hangers on . . . Somme poore men were threatened to be put from their holdes if they presented . . . as it pleaseth any landlord so shall it be.'[3] Some were indicted because they spoke the truth,

[1] Cf. Quarterly Journal of Economics, xvii, pp. 585, 586. The earliest definite complaint as to enclosing is found in the Chancellor's Speech to first parliament of Ric. III, Camden Soc., 1854, lii.

[2] Latimer, Sermons, quoted Pollard, Somerset.

[3] Hales's Defence, quoted Pollard, p. 230.

and the commissioners were cheated. The opposition which this commission met is not likely to have been wholly exceptional; indeed we have evidence of the same kind with regard to the inquisitions of Henry's time.[1]

Our difficulties do not end here. Mr. Gay assumes that the movement was arrested in 1607, and in doing so puts the date later than Mr. Ashley, who chooses 1530 as the period when it began to slacken.[2] Yet Miss Leonard points out that many of the most bitter complaints are from writers after 1607,[3] notably Powell, who in his Depopulation Arraigned (1636) says the evil was never so monstrous, never so great, and Moore in his sermons, and Taylor, who wrote as late as 1653–7.

Miss Leonard has also brought good evidence to show that the practice continued at least to the rebellion, especially in the Midlands. In Leicestershire itself 10,000 acres were enclosed in two years, 1630–1, double that given in the return of 1567–9, and five-sixths of that given in the return of 1607. The counties of Northampton and Huntingdon experienced much the same fate, while we know that in Durham the enclosures began after the opening of the seventeenth century, and were then extensively adopted. We may also remind ourselves that in the case of the attempted enclosure of Welcombe, in Warwickshire, in 1614 or 1615, Shakespeare himself played a somewhat selfish part,[4] and that in the same county a serious agitation arose in the reign of James I, called that of the Diggers, which spread to Bedfordshire, Leicester, and Northampton.[5] Enclosure once more was one of

[1] Transactions Royal Hist. Soc. xviii, p. 224.

[2] Ashley, Introd. to English Economic Hist. i (ii). 286.

[3] Transactions Royal Hist. Soc. xix; Slater, Enclosures, p. 201; English Hist. Review, xxiii. 477.

[4] Lee, Stratford-on-Avon, p. 295.

[5] Victoria County Hist.: Warwickshire, ii. 162.

the grievances mentioned in the Grand Remonstrance. This document may have referred to enclosure of the waste, or fens, since we know that this caused great discontent from the scheme started by the Dutchman Vermuyden in the reign of Charles I,[1] down to the period of the Commonwealth itself, discontent which had much to do with the rise of the Levellers.[2] And this kind of enclosure, although it interfered with the rights, or supposed rights, of the fenmen, stands on an altogether different footing from the enclosure of the common field.

Yet that there was much enclosing of the common field in the seventeenth century is rendered the more probable because evidently a change was coming in the view of the legislature and in the writers of the period. In the year 1619 the price of corn was low, and accordingly a proclamation was issued stating that the tillage laws had become the opportunity of informers rather than useful restrictions, and a commission was appointed to grant pardons to offenders, while in 1629 the tillage laws of the Tudor times were repealed, with the exception of 25 Henry VIII, c. 13, which limited the number of sheep which a man might keep, and the Act 39 Elizabeth, c. 2, 1597, which referred to the twenty-four counties where the previous agitation had been greatest. It is true, however, that when in 1629–31 the price of corn again rose the Privy Council ordered that all enclosures of the last two years should be removed, and the Star Chamber instituted proceedings

[1] In 1630. The Duke of Bedford with thirteen gentlemen adventurers undertook to drain the southern fens.

[2] Scrutton, Commons, c. iii. By the statutes of Merton, 1236, and of Westminster, 1285; by the second the lord was entitled to enclose or 'approve' part of the waste so long as he left sufficient pasture for the freehold tenants of the manor, and by custom the rights of copyholders were subsequently reserved. In the enclosure of the fens the commoners' rights were considered, but not sufficiently, in the opinion of the fenmen.

against offenders in Huntingdon, Derby, Notts., Leicestershire and Northampton, on the ground that depopulation was an offence against the common law, while between the years 1635–8 £47,000 odd was paid by offenders who had compounded for having depopulated,[1] chiefly in the midland counties. Finally, although under the Commonwealth the question of enclosures was still a burning one, it is noticeable that the Bill which was brought forward in 1656 did not condemn the practice altogether but only proposed to regulate commons and commonable lands so as to prevent depopulation and to improve waste grounds, and that even that Bill did not pass. Meanwhile the number of writers in favour of regulated enclosure increases. Thus Standish in his New Directions, 1613, answers the Commons' Complaint, and in 1653 Lee in his vindication of regulated enclosures answers Moore's attack in his Crying Sin.[2] The explanation of this change of view and this hesitation on the part of Government and Parliament is probably to be found in the fact that more common field was now being enclosed for arable purposes than before, and that the cultivation of the wastes was attracting attention, while at the same time the land-owning interest was strengthening in the Parliament itself. In a word the coming century was casting its shadow before it.

The whole question as to the extent of the enclosures from the middle of the fifteenth to the end of the seventeenth century is obviously not yet settled. It is a question between contemporary evidence and statistics, neither of them, unfortunately, very satisfactory. Nevertheless, it would seem that Mr. Gay, with all his care, has underestimated the extent of the enclosures in the twenty-five

[1] Transactions Royal Hist. Soc. xix. 127 ff.; English Hist. Review, xxiii. 487; Slater, Enclosures, p. 328.

[2] English Hist. Review, xxiii.

counties enumerated above, and that at the very least some 127,000 more acres were enclosed between 1607–37.[1] This would then raise the total to 744,000 acres, or 3·6 per cent. of the area of the counties affected and 2·1 per cent. of the total area of England. Even so, when we compare this with the enclosures of the eighteenth century, it must be confessed that the extent is comparatively small.

The accompanying map,[2] prepared according to Mr. Gay's tables, if it does not tell us with a certain voice the actual amount of enclosure, will at least show the relative amount of enclosure complained of in various parts of England. You will observe that the counties fall into seven groups:—

In the first, coloured black, the percentage of enclosure is 8·94 per cent.
In the second, the percentage is 8·45 per cent.
In the third, the percentage is 5·25 per cent.
In the fourth, the percentage is 2 to 1 per cent.
In the fifth, *under* 1 per cent.
In the sixth and the seventh, there is no mention of enclosure except of one in Wiltshire.

The first two groups, where the percentage is highest, lie exactly in the centre of England, and include nine counties:—

| | |
|---|---|
| Leicester | Beds. |
| Northampton | Bucks. |
| Rutland | Berks. |
| East Warwickshire | Oxon. |
| | Middlesex |

The third group, consisting of Huntingdon and Cambridge, where the percentage is 5·25 per cent., lies imme-

[1] This is if we assume that the amount of enclosure between 1607–37 was equal to that of the previous thirty years.
[2] Cf. Map I at end of book

diately to the east. The fourth group, where the percentage is only 2 per cent. to 1 per cent., consists of

| | |
|---|---|
| Gloucester | Derbyshire |
| Hereford | Nottingham |
| Shropshire | East Lincolnshire |
| Staffordshire | West Norfolk |
| | most of Essex, |

and forms a kind of crescent moon round the earlier-mentioned groups, broken only by Herts. and part of Warwickshire, Worcestershire and Gloucestershire. Outside that again there lies the fifth group, composed of Yorkshire and Cheshire in the north and Hampshire and part of Somerset in the south, where the percentage falls below one per cent. Finally, we come to counties of the sixth and seventh groups, where there is no mention of enclosure at all, except of one in Wilts.

At first sight we are tempted to compare the disturbance caused by these enclosures to that caused by a stone thrown into the water. It is violent at the point of original impact and becomes less so as the wave circles spread, until they finally die away, either because of some obstacle on the surface of the water or because the original source of energy has exhausted itself. And yet this parallel, though it may be a useful aid to memory is really a very misleading one, inasmuch as it suggests a movement in many ways the exact opposite of that which really occurred. This, instead of being one from the centre to the circumference, was rather one from the circumference on the centre, or, to be more correct, one originating in the south, south-west and east, thence moving as a half crescent, much as the moon waxes, and then, when the ball was completed, rolling forward to the north.

This way of looking at the matter will naturally draw our attention to those counties of the sixth group. These, it

would appear, had either never been under the system of common cultivation, or had early escaped from it. Some were old woodland districts, which were enclosed directly from the woodland condition. Under this category we may place Kent, the weald of Surrey, and Sussex, part of Suffolk, and East Essex, Herts., NW. Warwickshire and East Worcestershire. In others, such as East Norfolk and East Suffolk, we find a survival of the one-field system, which is characteristic of many parts of North Germany and Denmark. Here crops had been grown continuously year by year, fertility being maintained by manuring, a system which would naturally lead to enclosing.[1]

When we pass to the South-Western counties in this group, namely South and West Dorset, West Somerset, Devon, and Cornwall, another explanation may be found.[2] Here many of the settlements had from the very first been those of detached homesteads according to the Celtic type rather than of the nucleated Anglo-Saxon village,[3] and in all probability the Celtic system of run-rig had existed, as we know it did in Wales, which with its method of annual redistribution would, by a natural process, lead the way to permanent occupation and consequent enclosure,[4] while in Kent the open commonable field was the exception.[5]

Further, in Cornwall, as Carew (1600) explains, a system of leases for three lives, the lessees being, after the tenant himself, the widow and the son, was also very common, a method still existing in Devonshire under the names of landboote and newtake, which was sometimes adopted for

[1] The one-field system is also found in parts of Lincolnshire.

[2] Possibly the same would be to some extent true of Hereford, Shropshire, Staffordshire, Lancashire, and part of Gloucestershire.

[3] Cf. Meitzen, Siedelung und Agrarwesen, esp. ii. 185.

[4] For the Run-rig system cf. Slater, Enclosures, p. 165.

[5] Slater, Enclosures, p. 230; Gay, Transactions Royal Hist. Soc., xvii. 598.

the purpose of gradually reclaiming the waste; and this again would facilitate enclosure. Carew expressly says that they 'fal everywhere from commons to enclosure, and partake not of some eastern tenants' envious disposition, who will sooner prejudice their own present thrift by continuing this mingle-mangle than advance the Lordes expectant benefit after their time expired.'[1] Lastly, we should remember that the greater proportion of these earlier enclosed districts were pastoral, and not used for arable purposes, and that it was the conversion of arable to pasture that caused the chief grievances in the fifteenth, sixteenth, and early seventeenth centuries.[2]

It must not, however, be supposed that in the so-called old enclosed districts the enclosure was complete, even as late as the middle of the seventeenth century.[3] Though the rebellions under Protector Somerset were partly due to religious causes, especially in the West, those in Somersetshire,[4] Worcestershire, and Dorsetshire, as well as in Surrey, Hertfordshire, Norfolk, and Suffolk seem to have been mainly social, while the Enclosure Acts passed in the eighteenth century for many of these counties prove that the open commonable field still continued to some extent.

Passing to the group of counties of the fourth group,

[1] Carew, Cornwall, p. 30.

[2] For evidence as to these old enclosed districts see Leland, Itinerary, 1536-42; Trigge, Humble Petition, 1607; Fitzherbert, Surveying, ed. 1539, c. 41; Hales, W. S., Discourse, ed. Lamond, p. 49; Tusser, ed. Dialect Soc., p. 141; Carew, Cornwall, 1600; Lee, Plea for regulated Enclosure, 1656, p. 31; Slater, Enclosures, pp. 148, 176, 192 ff.; Victoria County Hist.: Essex, p. 322; Tusser, Five Points of Husbandry, p. 205; Victoria County Hist.: Sussex, p. 190; Ashley, Economic Hist., bk. ii, c. iv, p. 299 ff.

[3] Devon and Cornwall appear to have been completely enclosed by 1700.

[4] Cf. Somerset: a letter of the time says, 'Some crieth plucke downe inclosures and parkes; some for their commons, others pretend relygione.' Quoted Cheyney, Social Changes, p. 98.

namely, NW. Essex, West Norfolk, E. Lincoln, Notts.,[1] Derby, Stafford, Shropshire, Hereford, Gloucester, that is where the percentage of enclosure is only from 2 per cent. to 1 per cent., it would appear, in spite of some evidences of early enclosure, that the movement had only just begun, and this is certainly the case with the next the fifth group, namely, Hampshire, East Somerset, Cheshire and Yorkshire, as well as those left white—

| | |
|---|---|
| Wiltshire | Cumberland |
| Lancashire[2] | Northumberland |
| Westmoreland | Durham |

and parts of other counties.

This is to be attributed partly to the character of these districts, which, being ill suited to arable cultivation, were always pastured, and also in the case of the Northern Counties to their disturbed condition as lying on the Border. Thus in Cumberland, Northumberland, and Durham there appears to have been comparatively little open-field cultivation, and we know that enclosure of such common fields as existed was not general till after the accession of James I had put an end to the border raids, when in Durham at least it proceeded with some rapidity.[3] Moreover, the

[1] In Notts. there was a larger area imparked for sport than elsewhere. This looks as if there were more wealthy men in that county or that the soil was poor, also the enclosures were of small areas, because there were many small owners. There is also very little complaint of engrossing but only of enclosing. Leadam, Thoroton Soc. Record, Series ii.

[2] The date of the enclosure of Lancashire is uncertain. There are no acts in the eighteenth century for enclosure of the Common Field though many for the enclosure of the Waste. It was certainly nearly complete by 1793. It seems that though the open field existed there were no common rights. Hence enclosure was easier. Slater, Enclosures, p. 255.

[3] Cf. Hist. of Northumberland; Victoria County Hist.: Durham, 238; Transactions Royal Hist. Soc., xix. 101; Slater, Enclosures, pp. 16, 255, 257; Aubrey, Nat. Hist. of Wilts., 1685; Transactions Royal Hist. Soc., xviii. Durham appears to have been completely enclosed by 1700.

discontent in the North at the time of the Pilgrimage of Grace and the rebellion under Somerset seems, so far as it was due to enclosures at all, to be caused rather by enclosing the waste.

The general conclusion to which we have arrived is that the work of enclosure commenced in the South and in the West and perhaps in some Eastern and North-Midland counties, where it was effected at various dates without arousing much discontent; that at the close of the fifteenth century it began to touch what was then the chief corn-growing district in the Midlands (and yet counties many of which, as later history shows, are peculiarly fitted for pasture) and thence moved gradually northwards. It was in the corn-growing counties of the Midlands that it caused most disturbance. The complaints are mostly from natives of those districts and the great majority of leases brought before the courts deal with the same counties.[1] And this is only what we should expect, since the enclosures of those days were mainly, though not exclusively, for the purpose of using the common open field for pasture,[2] and were more severely felt in the corn-growing districts, especially as the number of small holders seems to have been larger there, and because in many of them there was little manufacturing industry to employ those who were driven out.

Lastly it was in these very Midland counties that the movement of enclosure was temporarily arrested, not so much perhaps by the legislative enactments—which, as Latimer and W. S. both complain, were inoperative—as by the agitation and discontent which they aroused. Of this the rebellion under the Protector furnishes some proof.

[1] Gay, Transactions Royal Hist. Soc., xvii. 590.

[2] As to the proportion of enclosure for pasture and for agriculture, cf. Leadam, Domesday of Enclosures, pp. 41, 42; Pollard, Protector Somerset, p. 209; Transactions Royal Hist. Soc., xiv. 241.

It began in the county of Somerset, where the number of enclosures complained of in 1517–19 were few, it only spread to 6 of the counties mentioned in that inquisition at all (Berks., Bucks., Oxford, Gloucester, Hampshire, and Norfolk), and to 3 only of the 5 counties where the complaints had been the loudest (Berks., Bucks., Oxon.). But a better proof remains. It was exactly these Midland counties where the enclosures of the sixteenth century had caused the bitterest complaints which were the least enclosed at the opening of the eighteenth century, witness the far larger percentage of area enclosed under Acts of Parliament in those counties than elsewhere.

To appreciate the nature of the grievances caused by this process of enclosure we must clearly grasp the character of the offences complained of. And here let it once more be noted that we are dealing chiefly with the commonable or open field, not with the enclosure of the waste or common.

The offences then were (1) engrossing or acquiring different holdings not necessarily contiguous or in the same manor; (2) consolidating, that is joining, two or more holdings or strips on the common field; (3) decaying houses, which would be natural result of consolidating, and also might be done with regard to cottagers' houses who had no land on the open field, and only a small plot if any on the demesne and some rights of pasture on the waste; (4) putting down ploughs; (5) converting arable land to pasture; (6) emparking for purposes of keeping deer or warrens of conies, and such 'vaine commodities'.[1]

In dealing with these grievances it should be remembered that a man could legally enclose his own land, or feed any number of sheep even under the statute 25 Henry VIII, where no man had common, and that neither engrossing

[1] Harrison, England, ed. New Shakespere Soc., p. 303. For abstract of Statutes, Slater, Enclosures, 323.

nor consolidating were in themselves illegal, unless they were accompanied by the destruction of houses, or the putting down of ploughs and the keeping of a large flock of sheep. Further, that rearrangement or exchange of holdings were actually allowed by the statute 32 Elizabeth.[1] It was also quite possible to enclose the common field without causing any displacement of the population, especially if arable cultivation was still continued. This was advocated by some writers, such as Fitzherbert and Norden,[2] and here the advantages of enclosure were as great as were the absurdities of the old system. These will be grasped at once if we keep in mind what the system of the common field meant.

In one manor we are told that a tenant owned 19 acres in 36 different strips and that a common field of 1,074 acres was divided among 23 owners with 1,238 separate parcels.[3] This is 'mingle-mangle' indeed. How in Heaven's name could that intensive cultivation which alone has enabled England to compete with other lands have been carried on under such a system—to say nothing of the numerous quarrels, some of them humorous enough, which did and must inevitably arise under such a system?[4] No wonder Fitzherbert[5] declared that the respective values of an arable acre unenclosed and enclosed was as 3 to 4, and one reason for the fairly stable prices of both of corn and of

[1] Cf. Bacon, Henry VII, ed. Lumley, p. 71, 'Enclosures they would not forbid for that had been to forbid the improvement of the patrimony of the kingdom, nor tillage they would not compel for that was to strive with nature and utility'; Transactions Royal Hist. Soc., xiv. 296; Ashley, Economic Hist., 268.

[2] Fitzherbert, Surveying, c. 40, p. 96; Norden, Surveyors' dialogue, quoted Harrison's England, ed. Furnival, p. 179; Lee, Vindication of regulated enclosures, p. 5.

[3] Leonard, Transactions Royal Hist. Soc., xix.

[4] See Slater, Enclosures, pp. 47, 48, 75.

[5] Fitzherbert, Surveying, c. 96, p. 40.

wool duting the period from 1451–1540 (nearly a century), in spite of the rise of wages, was in all probability the more effective production which enclosure facilitated.

The truth of the matter is that a change of this sort was inevitable if England was ever to advance out of the most primitive condition and methods of cultivation. Nor is it easy to answer the advocates of the change to pasture at least from the point of view of free competition. Mr. Leadam[1] has come to the conclusion that the increase in the value of arable open land which was turned to pasture was as much as 23 per cent., and this, not because the gross value of the produce was thereby increased, but because the net value was higher; in other words, because the saving of labour on a pasture farm, especially at a time when wages were rising, reduced expenses.[2]

Here, however, we are not concerned to discuss the inevitable character of the revolution but to estimate its results, and these were doubtless grave. It is not my aim to deal at length with this subject except as it affected the ownership of land, and therefore a few words must suffice.

First, then, the substitution of pasture for arable farming and the enclosing of the strips on the common field finally broke up the manorial economy which was already becoming out of date. The grazier wanted fewer men to tend his sheep than had been needed as long as the land lay under the plough. Whether therefore he was the lord on his demesne or tenant on the manor, when he consolidated

[1] Domesday of Enclosures, vol. i. 66.

[2] The rise in the price of wool is also given as a cause of the change of arable into pasture, but the price of wool stood at about 4*s.* to 6*s.* a tod from 1451–1540, and only rose to 20*s.* subsequently. This, therefore, was not the primary cause. Hasbach, Die englischen Landarbeiter, p. 28. For an interesting example of a dispute whether enclosure should be adopted, cf. Victoria County Hist.: Durham, vol. ii. 238; also Hist. of Northumberland, vol. iii. 264.

several holdings he would pull down the houses on some of them, and the landless labourer, the smaller tenants, cottagers and bondsmen who remained found less or no demand for their labour. In places where these unfortunates could take to other industries the evil was not indeed so great. This is especially pointed out by Moore in his Scripture against Enclosures, 'I complaine not,' he says, 'of enclosures in Kent and Essex, where they have other callings and trades . . . or of places near the sea or city, but of inclosure of inland countries which take away tillage, the only trade they have to live on.'[1] When this was the case, that is to say, when they had no other industry to fall back on, the condition of the man who lived chiefly or entirely by hired labour was dark indeed. Stubbes says, 'These inclosures be the causes why rich men do eat up poore men, as beasts doo eat grasse. These are the caterpillars and devouring locustes that massacre the poor and eat up the whole realm.'[2] The Commonweal of England especially mentions the cottagers 'which having no lands to live of their own but their handie labour and some refreshing upon the said commons' do suffer, and says that owing to gentlemen taking farms and to the general substitution of pasture for arable 'wheare 40 persons had their livings, nowe one man and a sheppard hath all'.[3] The supplication, probably addressed to the Protector Somerset in 1548, declares that in Oxfordshire alone 40 ploughs had been decayed since the reign of Henry VII, that in other counties the average was 80, and that some 18 or 20 thousand had been thrown out of employment.[4]

[1] Quoted, Transactions Royal Hist. Soc., xix, p. 139; cf. also W. S., The Common Weal, ed. Lamond, where the case for and against enclosure is well treated in a dialogue.

[2] Anatomie of Abuses, 1583, pt. i, evii.

[3] Commonweal of England, ed. Lamond.

[4] Four Supplications, Early English Text Soc., p. 101, speaks of 50,000

This estimate is supported by Mr. Gay's hypothetical tables. According to these the number of houses decayed during the same period comes to some 4,900, and if we assume that for every house decayed a plough was put down, and every plough or ploughland would support five men,[1] the number thrown out of employment would come to over 24,000 (exactly 24,705), or for *the whole period* from 1455 to 1637, some 34,000.[2]

When we remember that we are dealing with about half of England only, and that at the same time and for the same reason wages were falling, while the value of money was also decreasing, owing to the debasement of the coinage, and the influx of silver from the new world, we have no difficulty in accounting for the discontent nor for the fact that it is just at this time that the existence of the poor—both sturdy and valiant, and impotent—is becoming a serious question for the statesman.

The problem, however, with which I am mainly concerned has yet to be dealt with. How far did these enclosures diminish the number of the landowners in England. In approaching this question we are reminded

ploughs decayed, and says every plough supported six persons. But that would come to a total of 300,000, one-tenth of supposed population of England.

[1] On this question cf. Domesday of Enclosures, vol. i, p. 54; Four Supplications, Early English Text Soc., p. 101, puts it at five men and the wife.

[2] Hypothetical Table of Persons displaced, according to Gay's Calculations.

| 1455-85 30 years | 1485-1517 30 years | 1518-78 60 years | 1578-1607 30 years | 1607-37 30 years | Total 34,262 or about 5,000-6,000 every 30 years. |
|---|---|---|---|---|---|
| 3,465 | 6,931 | 13,862 | 5,002 | 5,002 | |

Mr. Leadam puts the number higher and makes a distinction between displacement and eviction, a distinction which Mr. Gay thinks untenable, Transactions Royal Hist. Soc., xiv. 258.

of a truth which applies to all social and economic history. We often find that the same forces will act in contrary ways, according to the different circumstances of different localities.

Thus, in the older enclosed districts, where the enclosure took place early and gradually—or where, as in Devon or Cornwall and some of the northern counties, the enclosure of the common field was accompanied by a partial and satisfactory reclamation of the waste, whereby each tenant on the manor received a share of the waste, and yet found some remaining on which to turn out his cattle—the movement seems to have been accompanied by a positive increase in the number of small holders. Hence the large number of small holders[1] in Kent and Devonshire, and the statesmen of Cumberland and Westmoreland.

Elsewhere, especially in the Midland group, the results were otherwise. According to Mr. Gay's hypothetical table, the number of people displaced was some 34,000. What we have to decide is how far these evictions were of leaseholders, or people who had no right to their holdings; how far of freeholders or copyholders.[2] And here it is important to distinguish between the lord's demesne, the waste or common, and the commonable fields.

On the demesne the tenants would be leaseholders, holding either at the will of the lord, or by indenture either for years or for lives.[3] The leases for lives would be renewabl

[1] Cf. evidence quoted by Cheyney, Social Changes, p. 44; Slater, Enclosures, p. 261.

[2] It is noticeable that the operation of the Act, 27 Henry VIII, c. 22, 'That on every thirty acres of land a house shall be built,' is limited to fourteen counties, Lincoln, Leicester, Rutland, Beds., Berks., Worcester, Cambridge, Notts., Warwick, Northampton, Bucks., Oxon., Herts., Isle of Wight, showing that evils of enclosure were worst there.

[3] The tenure on the demesne was very various. We find all these terms—*ad firmam, ad voluntatem, per indenturam, per literas patentes, dimissae*

at the end of the life or lives on a payment of a fine, although the lord might decline to renew; those for years would terminate at the end of the term, and until the statute 21 Henry VIII, c. 25 could be revoked by the heir of the lessor as soon as he came into possession. Now it is reasonable to suppose that a lord, tempted by the increased rent to be obtained from a large grazier, or anxious to take to the profitable business of sheep-farming himself, would evict the cottagers and others who had no legal rights, and decline to renew the leases for years or for lives, except in the first case at exorbitant rents, and in the second of exorbitant fines on renewal.[1]

This would not be surprising in any age, but we have reason to believe that in the Tudor period Englishmen were peculiarly grasping and avaricious. Luxury was increasing, the merchant class was growing, pushing upwards and buying land, and the sort of men who acquired or purchased the monastic lands were full of this commercial spirit. Whether the ecclesiastical lords of manors were easier than the old lay lords is doubtful. It would appear that some were so and some were not; for instance, we find a distinction made between the Bishop and the Prior of Durham.[2]

*per literas patentes, pro ovilus* (stinted), *per copiam*; and in one case—that of Duntesborne Abbots, Gloucester—we hear of *Custumarii per indenturam*, who are apparently tenants on the demesne. But in all probability all these various terms mean nothing but leases.

[1] The levying of heavy fines is a common complaint, though it is difficult sometimes to say whether they were for renewing copyholds or leases for lives, Crowley, Early English Text Soc., pp. 47, 144; Latimer, Sermons, p. 101, complains of raising rents. The taking of farms by worshipful men was one cause of the N. Rebellion, State Papers Dom., Hen. VIII, xii. 392; Select cases, Court of Requests, 12. 56, Sir John York a good instance, 58. Bacon, Henry VII, ed. 1819, vol. v, p. 61, speaks of tenancies for years and for lives at will, whereupon much of the yeomanry lived, being turned into demesne.

[2] Victoria County Hist.: Durham, 228 ff.; Leadam, Domesday, vol. i. 48, 65, 94, 96, 392; Gay, Transactions Royal Hist. Soc., xiv, p. 264.

But at least they were all more merciful and less active than many of the newcomers who obtained their lands. Again, some of the tenants would be cottagers holding only very small plots, and depending chiefly on their labour,[1] while on the waste there might be a few squatters who had no legal right to their hovels.[2] There appear also to have been in some cases copyholders on the waste, but these being new had not the real protection of copyholders and could be legally ousted.[3] Again in cases where the lord's demesne lay in strips in the common fields, the tenants would not be copyholders in a legal sense, but really tenants at will (because on the demesne). These, too, could be legally evicted, though such eviction would no doubt be resented.[4]

These evictions on the demesne, however, except in the case of the cottagers, who can scarcely be called landowners at all, though causing much distress and taking away employment from many, would not affect the ownership of land. It is therefore with the tenants on the commonable fields that we must deal.

Now it has been already shown that by the close of the fifteenth century nearly all the villeins had either become copyholders of inheritance or had exchanged their copies for copyholds for lives or for leases for lives. In those cases where the exchange had taken place the copyholder or leaseholder for lives could no longer be called landowners in the legal sense, and they would be legally liable to eviction. Yet such eviction would often be a breach of custom or be considered very unjust, since many of them would

[1] Domesday of Enclosures, vol. i. 51.

[2] In Gamlingay, Cambridge, the manorial court decided that no cottager should keep a horse or cow on the common except he be an artificer or go from market to market. Merton Coll. Bursars' Book, 512-66.

[3] Savine, Quarterly Journal of Economics, xix. 57.

[4] Corbett, Transactions Royal Hist. Soc., xi. 75.

look upon themselves as the successor of the copyholders, and therefore as enjoying a right of property in the land. This finally brings us to the copyholders of inheritance.

Mr. Ashley, in his Economic History, asserted not only that the customary sitting tenants were actually ousted, which indeed, might happen, but ventures an opinion that copyholders had at that time no legal security. In support of his first assertion he refers to Sir Thomas More's words in the Utopia, 'that husbandmen be thrust out of their own,' to Bacon's Henry VII, and to Crowley,[1] and points out that in the majority of cases the lands enclosed were thirty acres, or multiples or fractions of this area; which, as thirty acres was the ordinary holding of a copyholder, looks as if those evicted were copyholders. In support of his second contention he quotes Lyttelton who, writing in 1475, says 'that copyholders though protected by the custom of the manor, yet according to the Common Law have but an estate at will.' It is true that copyholders originally could not bring an action against their lords for a recovery of their property in the King's courts, but in a later edition of Lyttelton the oft-quoted opinion of two judges, Bryan and Danby, in the reign of Edward IV, is inserted to the effect that they had by that time the right of bringing an action of trespass when ousted by the lord. This interpolation, Mr. Ashley thinks, was probably taken from the Year Book by the editor, who shared the general indignation which evictions were at that time exciting,[1] and he further throws some discredit on the opinion of these judges as being Yorkist partisans, and therefore favourable to the cause of the poorer sort.

This view, ingenious though it is, must however be, I think, abandoned. Even Mr. Ashley allows that during

[1] Ashley, Economic Hist., bk. ii, c. iv, p. 273.

the period under review the legal theory was becoming obsolete, and custom was on its way to become law till, by the time of Coke, the copyholder had obtained full legal sanction of his custom at the common law.[1] But the case against Mr. Ashley is stronger than this. Whatever we may think as to the value of the opinions of judges Bryan and Danby,[2] in the later fifteenth century, the Year Books from Henry VII to Elizabeth give unmistakable evidence that copyhold leases were then determinable at the common law.[3]

Nor is this all, Mr. Savine has brought evidence to show that already in the fifteenth century the Court of Chancery had begun to protect the copyholder. He has discovered one case as early as the fourteenth century, and as many as twenty-four in the fifteenth. Mr. Leadam also adduces many cases in the Court of Star Chamber and the Court of Requests, in which the copyholders were either plaintiffs or defendants. It is true that they were not always successful, yet the elaborate pleadings prove, says Mr. Leadam, 'that copyholders had a legal protection, else these pleadings would be idle.'[4]

[1] Coke, The Complete Copyholder, ed. 1763, § ix.

[2] Savine, Quarterly Journal of Economics, xix. 64; Maitland, Law Quarterly, vii. 174.

[3] Savine, English Hist. Review, xviii. 303; Quarterly Journal of Economics, xix. 66; Star Chamber Proceedings, vol. vi, no. 161, communicated to me by Mr. Leadam. Here Palmer, who was lord of the manor and defendant, pleads that the case against his copyholders ought to be tried in the Common Law Courts. English Hist. Review, viii. 686. Here the copyhold tenants of Sir J. Seynt John complain to the Court of Requests that Sir J. is *too powerful* for them to try for their remedy by *due course of Common Law*.

[4] For the whole question see Ashley, Economic Hist., bk. ii, c. iv. 274; Leadam, Transactions Royal Hist. Soc., vol. vi. 164; Ashley, English Hist. Review, April, 1893; Leadam, English Hist. Review, Oct., 1893; Leadam, Transactions Royal Hist. Soc., vol. vii. 127; Savine, English Hist. Review, xviii. 296; Quarterly Journal of Economics, xix. 33; Leadam, Selden Soc., Select cases, Court of Requests; Hist. of Northumberland, viii. 289.

It is, however, to be noted that these decisions are by no means always favourable to the copyholders, who often appear to be claiming rights which were not based on custom, and that in interfering in the question at all the aim of these courts was, not to introduce innovations in favour of the copyholder, but to enforce the custom of the particular manor: to restore and give legal sanction to the custom, and not to mend it. Now custom varied in every manor, and thus the influence of the law courts was to stereotype and to perpetuate that variety—a variety which is still an essential though perplexing characteristic of our local life.[1] But although it seems pretty certain that any eviction of a copyholder of inheritance, whose title was clear, was illegal and would be resisted by the Courts, it does not follow that there was no *illegal* eviction, as we know happened in the case even of the freeholders of the Duke of Buckingham. On this point all we can say is that there is no evidence of this being done on an extensive scale, and it is noticeable that in most of the cases cited before the law courts the lords of the manor always pleaded some justification, which was generally upheld. Thus, in one case we find the lord of the manor justifying the ousting of his copyhold tenants for failure of contract or breach of custom; in another the lord declares that those he ousted had wrongly pretended to be copyholders; in another, the grantee of monastic lands stated that the prior had, just before the Dissolution, fraudulently granted copies, while in the manor of Gamlingay a copyhold tenant forfeited for demising to another without the lord's consent, and after his death, on petition of his widow, his lands were granted

[1] Savine, Quarterly Journal of Economics, xix. 67 ff.; Law Quarterly, ix, p. 355, note; cf. especially the everlasting disputes between Mulsho, lord of manor of Thingden, and his tenants, Leadam, Transactions, vol. vi.

to his son on lease for twenty-one years.[1] That actual wrongful eviction was not extensively practised is further supported by the fact that it is not mentioned among the grievances of the rebels under Edward VI, and that it does not appear in a Prayer set out for landlords by order of the king.[2]

There were, however, other means by which the copyholder could be got rid of. Sir Thomas More, in continuation of the passage above cited, says: 'or else by coueyne and fraude or by violent oppression they be put besydes it, or by wrongs and injuries they be so weried that they be compelled to sell all.' This is a much more difficult question to settle. At all times there have been cases of illegal oppression by the rich, and the standard of conduct in that respect does not appear to have been high in Tudor days. The looseness of Sir T. More's previous sentence with regard to 'husbandmen being thrust out of their own', would tempt one to doubt the accuracy of the one before us, if it were not supported by other evidence. Thus, Fitzherbert's protestation in the Prologue to his Book on Surveying evidently shows that in his opinion such things were done. 'I declare,' he says, 'and take God to my recorde, that I make this boke only to the entent that the lordes, the freeholders shulde not be disheryt nor have their landes loste nor imberseld nor encroched by one from another.' And Harrison, in his Description of England, also speaks of the daily oppression of copyholders, 'their lords devising new means to cut them shorter; doubling,

[1] Cf. Hasbach, p. 33; Transactions Royal Hist. Soc., vi; Selden Soc., Court of Requests, 12; English Hist. Review, viii. 687; Dugdale, Warwickshire, p. 36; Victoria County Hist.: Sussex, ii. 190; Savine, Quarterly Journal of Economics, xix, especially p. 58; Seaton Delaval: Delaval MSS. in possession of Newcastle Soc. of Antiquaries; Merton Bursar's Book, 81, 512.

[2] Cf. Cheyney, Social England, pp. 82, 99.

trebling, and now and then seven times increasing their fines, driving them for every trifle to lose and forfeit their tenures.'[1]

This remark of Harrison seems to guide us to a true conclusion. It would appear that in a great majority of cases the real struggle was over the attempt of the lords to prove that the copyhold tenures were for life or lives, and not of inheritance, or to turn these copyholds into leases for years. In short, no sooner has the copyholder gained legal recognition of his holding than the struggle begins on the question whether their tenures are true copyhold of inheritance or not.

The primary motive here was not, perhaps, the desire to evict, so much as the hope of thereby wringing more money from the tenant. In the case of copyholds the rents had, in *most* cases, become fixed at a very low rate, and so had the heriot or fine on admission of an heir to a copyhold of inheritance. Consequently the depreciation of the value of money at the time gave to such copyholders, as Prof. Maitland has said, 'a regular unearned increment.' The only way in which the lords could hope to increase their revenue was by proving that the copyholds were for life or lives, and not of inheritance; or by substituting leases for lives, or leases for years at rack rent, for copyholds. By the first change the lords were able to increase the fines on renewal, and on many manors the fines were the chief source of revenue; while by the second they could raise their rents as well.

It is noticeable that, as before mentioned, the statutes do not speak of direct eviction, that the majority of the reported cases deal with these questions, more especially of fines, and that this is evidently the burning question in the

[1] Description of England, p. 318.

literature of this time. We have already quoted Harrison. His view is supported, among many others, by Fitzherbert, who, in the Prologue to his Surveying, adjures 'lordes not to heighten their rents or cause tenants to pay a greater fine than they have been accustomed to in the past'. The rebels in the Pilgrimage of Grace complain of increase of 'gressons' (fines), while the Prayer for landlords, mentioned above, runs, 'O Lord, we heartily pray that the landlords, remembering themselves to be Thy tenants, may not rack and stretch out the rents of their lands, nor yet take unreasonable fines after the manner of covetous worldlings.'[1] We hear, too, of a class of speculating lease-mongers who, not able to be landlords, yet, after a sort, counterfeit landlords by obtaining leases, and so raise fines and rents, and by such pillage pyke out a poison to maintayn a proud post."[2] Now the peculiarity of this system of fines for the renewal of copyholds or leaseholds for lives lay in their inequality and capriciousness. No doubt the Law Courts gradually insisted that fines should be reasonable. But not till 1781 was it decided that a reasonable fine should not exceed two years' value.[3]

As to the substitution of leases for copyholds we find Fitzherbert actually advising lords to do this and not for longer than three lives, at the same time urging them to grant them on good terms, 'remembering what profytes

[1] Transactions Royal Hist. Soc., xviii. 196, note.

[2] Latimer's Sermon; Early English Text Soc., Crowley, pp. 79, 166; Scrope, Castle Combe, p. 320; Cheyney, Social Changes, p. 81; Savine, Quarterly Journal of Economics, pp. 55, 66; Transactions Royal Hist. Soc., vii. 131; 1892, 249; Ashley, Economic Hist., bk. ii, c. iv, p. 283; Selden Soc. 12, Court of Requests, p. 64; Hist. of Northumberland, i. 314; ii. 382, 384, 427, 432; viii. 236, 238, 264; Victoria County Hist.: Durham, ii. 228, where note difference between the Priory Lands and those held of the Bishop; T. Quayle, View of Agriculture of the Isle of Man, 1812, p. 17.

[3] Case of Grant *v.* Aske, Douglas Reports, 722–23.

they may have at the end of their termes.' There are even instances of lords browbeating their copyholders to do so.[1] In some cases it would even appear that copyholders preferred the lease if they could get thereby easier terms. Indeed, except on the question of the rent, the difference between a copyhold for lives and a lease for lives was not very great, except that in a copyhold the questions as to rent and right of renewal would be settled in many cases by the custom of the manor, while in the case of a lease these matters would be settled by covenant.

Of course it may be argued that the ultimate object of thus changing copyholds of inheritance into copyholds or leaseholds for life was to absorb the holding by refusing to renew at the termination of the lives, especially when the owner had lately acquired part of the monastic lands, or was a speculating capitalist who bought land or reversions as an investment, of whom there were evidently many, or again, in counties where the coalfields were beginning to be of importance. Besides, the lord might, by demanding exorbitant fines, so weary the tenant that he would prefer to quit. But though this was probably in many cases the eventual result, yet the prospect of thus securing the tenement would be too remote to appeal to many, and men are wont to prefer immediate to future advantage. In any case we should remember that in the majority of cases the encloser does not appear to have been a lord of the manor at all, but a tenant on the manor who would have no power whatsoever to evict.[2]

That the object of landlords was chiefly financial, that is

[1] Cf. Fitzherbert, Surveying, and cases quoted Ashley, Economic Hist., p. 285.

[2] Mr. Leadam, Domesday Enclosures, vol. ii. 508 ff., calculates that according to the returns to the inquisition of 1517 the proportion was in Berks. 109 tenants, 16 lords of manors; in Bucks. 80 tenants, 23 lords of manors.

to increase their revenues rather than to evict, is rendered all the more probable because we find James I, who we know was ever in financial straits, pursuing the same course on the royal manors. Owing to the consequent complaints a statute was passed in 1609[1] declaring that where any tenement on a royal manor has been established by decree of the Lord Treasurer and Chancellor of the Exchequer or duchy (of Lancaster) as a copyhold of inheritance, it shall thenceforth be so holden, and we find in the following year a decision in favour of the tenants in the case of Tynemouth, Northumberland.[2]

In the North the controversy was complicated by the question of border service, and on this point, notably in Cumberland and Westmoreland, a very curious controversy arose. In those counties King James attempted to prove that, as military service on the border had ceased since the Union, the so-called tenant-right of the customary tenants had ceased, and that they should be henceforth treated as were tenants for years or at will. He further encouraged other lords of manors to adopt the same view with regard to their tenants. In the case of the royal barony of Kendal the case came into the Court of Chancery and was compromised by Sir Francis Bacon. The tenants paid a lump sum down and gained a confirmation of their copyholds.

In the case of other manorial lords the matter did not stop there, and a long struggle ensued which threatened the peace, and in which the King by his Proclamation took the side of the lords. Eventually, however, the Star Chamber,[3] before which the matter was brought, decided in favour of the tenants, declaring that their tenures had not in the past been based solely or especially on border service, and

[1] 7 Jac. I, c. xxi. [2] Hist. of Northumberland, viii. 239.

[3] Nicholson and Burn, Hist. of Westmoreland and Cumberland, vol. i. 51 ff.

that the abolition of this service in no way affected their tenures. Thus for a time the position of those copyholders was secured. Elsewhere, however, the struggle continued, notably on the manors of the Earl of Northumberland, where on the whole the earl appears to have had the best of it.[1]

The question was evidently a burning one in the North for some time. On December 16, 1642, we find the Long Parliament, sitting at Westminster, declaring the report that they intend to take away the tenant-right of the inhabitants of Westmoreland, Cumberland, Durham, Newcastle, Northumberland, to be entirely false, 'they never intended to weaken or infringe any of the said tenants' rights, or prejudice the inhabitants in their customs in the least particular.'[2] As late as 1676 Roger North tells us that the struggle was still going on in Cumberland. 'The people,' he says, 'had formed a sort of confederacy to undermine the estates of the gentry by pretending a tenant-right, which there is a customary estate not unlike our copyholds, and the verdict was sure for the tenant's right, whatever the case was. The gentlemen finding that all was going, resolved to put a stop to it by serving on the common juries.' 'I could not but wonder to see pantaloons and shoulder knots crowding among the common clowns', remarks the Tory writer with satisfaction.[3]

Professor Vinogradoff,[4] in a note given in the History

[1] Hodgson, Hist. of Northumberland, pt. iii, vol. ii, 245-6; Hist. of Northumberland, viii. 231, 234, 238. In July, 1606, the Earl issued commissions to Sir Wilfrid Lawson, Robert Delaval, and others, to compound with the copyhold tenants in Cumberland for fines, and so also for Northumberland and Tynemouth; Northumberland MSS., communicated by Mr. Cra'ster.

[2] Rushworth, Collections, pt. iii, vol. ii. 86.

[3] North, Life of Lord Guildford, p. 140.

[4] Hist. of Northumberland, viii, p. 238.

of Northumberland, expresses an opinion that the fate of the Northumbrian customary tenants was much worse than elsewhere where their tenure had developed into copyhold, and attributes the difference to the exceptional favour shown to the lords' interests in the marches. I venture, however, to dispute this statement. The quarrel was going on all over England and on the whole the landlords gained the advantage. The real difference is one of date, for whereas the earlier centuries had witnessed the strengthening of the customary rights into a copyhold of inheritance, in the seventeenth century the tendency was the other way. Besides, later history shows us that there were quite as many copyholders of inheritance in the northern counties as elsewhere.

And now to sum up the results of this discussion. It does not appear that the enclosing movement of the sixteenth and seventeenth centuries was accompanied by very much direct eviction, either of freeholders or of bona fide copyholders of inheritance. Nevertheless the small owner suffered in many ways. Thus in all cases where the lords succeeded in disproving the hereditary character of the copyhold tenements or in changing them into copyholds for lives or leases for lives or years, he or his successors could with greater ease occupy the holding by refusing to renew at the end of the termination of the years or lives, except on the payment of practically prohibitory fines. Many of these copyholders, without having any legal title to their holdings, which could be supported in a court of law, had yet long held them and possessed a certain prescriptive sort of tenant-right, a right which under the protection of the old customary law of the manor and its court might have acquired substance, and which even the Crown courts attempted (though not very successfully, owing to the greater precision of their ruling) to legalize.

In a word, though there was not much violation of legal right yet there was a good deal of injustice, injustice which the Tudor legislation tried to minimize, and with poor success, not by interfering with the legal rights, but by demanding that in enforcing these rights they should not put down ploughs, destroy houses, or otherwise take away employment and cause depopulation.

That the enclosures of the sixteenth and early seventeenth centuries tended to the disappearance of the small landowner is pretty clear; but as to how far this change took place at once we have unfortunately very little evidence at present. As we shall subsequently see, it is very certain that a great change had taken place by 1785. For the intervening gap we are, however, much in the dark. We have no lists of the 40*s*. freeholders who enjoyed the parliamentary franchise or were liable to serve on juries, while the Subsidy Rolls, which might give us a rough estimate, have not yet been digested, and they only include men of substance. Moreover, it must be remembered that it was by no means the universal practice for freeholders or even copyholders to till their own land. We have abundant evidence that they often let out their lands to others. A comparison of the condition of many manors traced from the Middle Ages through the Elizabethan and Stuart Surveys, Field Books, and Terriers would help us. But this has not yet been done and I have had no time to do it myself; all the time at my disposal has been devoted to the eighteenth century. In any case, the Surveys abandon us at the critical time, and the Terriers are not very helpful, being chiefly mere rentals of private estates. The evidence that I have collected from published authorities is very scanty. In some manors there was certainly little change, as for instance in the case of Castle Combe, Wilts., and in Seaton Delaval, Earsdon,

and Cowpen, in Northumberland. In others there was a good deal. Harrison, in his Description of England, says that 'the ground of the Parish is gotten up into a few hands, yea, sometimes in the tenure of one or two', though it is not quite clear whether he refers to ownership or no. In Hutchinson's Dorset we are told that some small copyholders surrendered their copies. Their holdings were taken up by those who remained and enclosure followed. Tuckett, in his History of the Past and Present State of the Labouring Poor, says that in the manor of Holt, in Sussex, where in the fifteenth century there were many owners, in 1520 there were only 6, in James I's reign only 2, while in Charles II's reign the manor had become the sole property of one. The manor of Linton-on-Ouse, where in the reign of Elizabeth there were a large number of tenants, had also by the beginning of the eighteenth century become the property of one man, who gave it to University College.[1]

Whatever may have been the immediate results of enclosure there is no doubt that there was a very general and widespread substitution of leaseholds for lives or years for copyholds of inheritance,[2] and that as time went on the indirect effects of enclosure at least tended to the destruction of the small proprietor, more especially in those midland counties—such as Northamptonshire, Leicestershire, and Oxfordshire—which at that time were chiefly corn-growing districts, but which have since become noted for their grazing lands.

[1] Cf. Scrope, Castle Combe, 320; Seaton Delaval, Northumberland MSS; Harrison, ed. New Shakspere Soc., p. 260; Hutchinson, Dorset, iv. 89; Victoria County Hist.: Warwickshire, 155; Hist. of Northumberland, vol. ix. 4; Hist. of Northumberland, Cowpen; University College Bursar's Book.

[2] Thus out of fifty-nine surveys of manors in twenty-one counties from Henry VIII to Edward VI, I find twelve manors in which leaseholds largely predominate.

Granted, however, that this change was facilitated by the enclosures, we have yet to convince ourselves that the permanent disappearance of the small owner was not due to deeper causes, of which enclosing was but a symptom. Other countries, like France and Germany, and the Channel Islands, have, in a great measure, abandoned the open-field system; yet the small proprietor survives. This question will be more fully discussed in a later lecture, but the fact should be kept in mind. Some will tell us that the final explanation of the divergence between England and some parts of the continent is to be looked for in the social, political, and economical peculiarities of England, which had already appeared and were to attain greater momentum in the future, and which meant for the peasant holder 'economic death'.[1] 'It was the incapacity of the great mass of the people to conform to conditions rapidly and fundamentally changing that made this time of transition so hard for the lower classes.'[2] But that those conditions should change was inevitable, if England was to take her new position in the world.

[1] Savine, Quarterly Journal of Economics, xix.
[2] Cheyne, Social Changes, p. 21.

## IV

## OTHER CAUSES AFFECTING THE POSITION OF THE LANDOWNING CLASSES

But if the sixteenth and early seventeenth centuries were disastrous to the smaller owners and tenants it does not appear that the class of moderate-sized proprietors was seriously affected. We know that many of the larger freeholders and copyholders on the manors were enclosers themselves,[1] and there are many evidences to show that moderate-sized properties increased at the expense of the very large and very small.

England during this period was, as we well know, passing through a crisis of political, social, and economic change. The old self-sufficing agricultural and industrial economy of England, based on custom, was fast breaking down. Competitive rents, competitive prices, competitive wages, were coming in, and the modern capitalist had already appeared; men who treated land as an investment and agriculture as a source of profit. The English squire had taken the place of the mediaeval baron. The successful manufacturer, merchant, and the lawyer were forcing their way into the land market and fast rising into the position of the squire. Hence an intense land hunger was a characteristic feature of the Tudor and early Stuart times.

A petition of the reign of Henry VIII complains of merchant adventurers, clothmakers, goldsmiths, butchers, tanners, . . . unreasonable and covetous persons, who

[1] Cf. Leadam, Domesday of Enclosures.

encroach daily many farms more than they can occupy with tilth for corn. In 1535, Cromwell contemplated an Act against merchants purchasing land to a greater value than £40 by the year,[1] and the contemporary literature is loud in the denunciation of this class of buyers. 'Look,' says Lever (1550), 'at the merchants of London, and ye shall see, when by their honest vocation God hath endowed them with great riches, then can they not be content but their riches must be abrode in the country, to bie fermes out the hands of worshipful gentlemen, honeste yeomen, and poor laborynge husbands.'[2] And this sermon denounces those called of God to be merchants, lawyers, and courtiers, who are ready at the beck of their father, the devil, to prowl for, seek, and purchase farms.[3] In the presence of such harpies, the poor landowner, if he were not ousted from or cheated out of his property, was always tempted to sell, and many no doubt did so.

But it was not only the poor that sold. Dr. Stubbs has given it as his opinion that 'when personal extravagance is the rule at court, the noble class and the gentry in its wake gradually lose their hold on the land, great estates are broken up, the rich merchant takes the place of the

[1] State Papers Dom., Henry VIII, ix. 725. 11.

[2] Sermons, Arber's Reprints, p. 29.

[3] Cf. also Crowley, Last Trumpet, 1550:

> 'So soon as they (merchants) have aught to spare
> To purchase land is all their care
> And all the study of their brain.
> There can be none unthrifty here
> Whom they will not smell out anon
> And handle him with words full fayre
> Till all his lands be from him gone.'
>
> Early English Text Soc.

W. S., The Commonweal, ed. Lamond, p. 39; Brynkelow, Complaint, Early English Text Soc., p. 9; Supplication, Early English Text Soc., pp. 26, 30, 40, 48; Cheyne, Social Changes, pp. 54, 102. For speculation in land, Transactions Royal Hist. Soc., xix. 114; Victoria County Hist.: Lincolnshire, p. 326.

old noble, the city tradesman buys the manor of the impoverished squire, and in the next generation the merchant has become a squire, the tradesman has become a freeholder. But when greed for territorial acquisition is strong in the higher class the yeoman has little chance.[1] In the Tudor and early Stuart age both these tendencies were strong, and before them both smaller proprietor and ancient family fell.

Mr. Shirley has reminded us that only 330 of our nobles and landed gentry can trace their descent back to a period before the dissolution of the monasteries.[2] Moryson, in the reign of James I, remarks that 'gentlemen disdaining traffic and living in idleness doe in this course daily sell their patrimonies, and that the buyers are for the most part lawyers, or citizens and vulgar men';[3] while Harrison, writing in 1506, reminds us 'that some yeomen also do come to great wealth insomuch that many of them buy land of unthrifty gentlemen and leave so much to their sons that *they* become gentlemen'.[4] Simon Degge, writing of Staffordshire in 1669, says that in the previous sixty years half the lands had changed owners, not so much as of old they were wont by marriage, but by purchase, and attributes the decline of the old families partly to Divine wrath at their having robbed the monasteries, partly to their living and taking pleasure to spend their estates in London, and notices how many traders and lawyers have risen on their ruin.[5] In Lincolnshire, we are told, hardly a county family maintained its position

[1] Stubbs, Constitutional Hist., c. xxi, § 802.

[2] Evelyn Shirley, The noble and gentle-men of England.

[3] Moryson, Itinerary, pt. iii, bk. iii, c. 11.

[4] Harrison, Description of England, ed. Furniss, p. 133; cf. the plays of the time such as The Enforced Marriage; Trevelyan, The Stuarts, p. 6.

[5] Erdeswick, Survey of Stafford, ed. Harwood, p. 55. Degge names

beyond the middle of the seventeenth century unless it added to its income by marriage or trade.[1]

Thus, there was during the sixteenth and seventeenth centuries, a great shifting of ownership and a considerable social revolution, which however, was probably accompanied by an increase rather than a decrease of landowners of middle estate. We should remember also that during the sixteenth and seventeenth centuries two events occurred which tended to the same result. The dissolution of the monasteries and the Civil War. By the first, land to the annual value of money, at that date, of £140,000, or, estimated at twenty years' purchase, of the capital value of £2,800,000 was confiscated.

The land so confiscated was thus distributed :—

| | *Annual value.* | *Capital value.* |
|---|---|---|
| Given to bishopries and other corporations. | £21,000 | £420,000 |
| Leased by Crown. | £50,000 | £1,000,000 |
| Sold, or given to courtiers and officials, and others. | £69,000 | £1,380,000 |

This should probably be multiplied by at least twelve to bring it up to the value to-day. Thus, it appears that land to the annual value of some £820,000, or capital value of £16,500,000, according to our money, was distributed among some one thousand persons at once; and of the remaining land, which was at first leased, most had been alienated by the end of the Tudor period. In all probability the actual number of landowners was not much increased by the original grants. Among the grantees we recognize many

6 aldermen or aldermen's sons, 2 hoziers, 1 scrivener, 1 serving-man, 1 lawyer, among the *novi homines*. Cheshire, he says, 'fared better, because they frequent London not so much.'

[1] Victoria County Hist.: Lincoln, pp. 324, 326.

[2] Cf. Fisher, Political Hist. of England, App. ii. Based on information given by Dr. Savine, who has been lately at work on the Valor Ecclesiasticus.

well-known peers and courtiers; indeed, Burnet surmises that Cromwell advised the king, by so doing, to bind the nobles to the break with Rome, and there are very few apparently among the original grantees who did not hold land before.[1] But at least many of the smaller landlords were enriched, and much of that which originally passed into the hands of the great men was certainly subsequently sold, since many obtained licences to do this.

Again, if it be true, as was popularly supposed, that the families of these sacrilegious persons soon died out, this would again, in many cases, bring more land into the market.[2] Harrington, in his Oceana, seems to imply this when he says that the dissolving of the abbeys brought with the declining state of the nobility so vast a prey to the industry of the people that the balance of the commonwealth was too apparently in the popular party to be unseen by the wise council of Queen Parthenia.[3]

It should also be remembered that the right to leave two-thirds of land held by knight's service, and all held in free soccage by will, at the common law was first allowed by the statute 32 Henry VIII, and that the custom of tying up land by family settlements had not yet become common. In all these ways much land came into the market to be bought by *novi homines*, and the number of landowners increased.

The results of this strengthening of the landed interest

[1] See Mr. Fisher's table. He gives 8 clerks, 86 industrials. These may not have held land. But probably all the rest did, except perhaps the physicians, who number eleven.

[2] This legend, however, has been dispelled. Cf. Galton and Schuster. Out of 245 estates—half of which were Church property given to laymen, half lay property—the first had in 100 years 464 owners, of whom 240 were eldest sons, the second had 459 owners, of whom 241 were eldest sons.

[3] Harrington, Morley's edition, 1887.

in Parliament and in the country is seen in the opposition made to the Protector Somerset's desire to check enclosures and alleviate the condition of the poor.[1] In the Long Parliament the strength of the landed interest was great. The estates held by members of the House of Commons have been computed to have been three times as large as those held by members of the House of Lords.[2] The distribution of landed property was again increased by the confiscations, the compositions, and the Decimation Tax, inflicted by the victorious Parliament on the royalists after the Civil War. The number of estates actually confiscated was not less than 700. Besides these, many estates were forfeited for refusal or neglect to compound, and more had to be sold to meet the compositions and the Decimation Tax.[3] It is notorious that members of the Committee for compounding and other M.P.'s were accused of doing a goodly traffic in this business. Nor was it confined to them. Wildman, the famous agitator and friend of John Lilburne, was a great speculator. His purchases, we are told, were scattered over at least twenty counties, and when he was arrested, in 1655, 'certain well affected to

[1] Cf. Pollard, Protector Somerset.

[2] Gneist, Englische Verfassungsgeschichte, Eng. Trans., ii. 320.

[3] March, 1643. An Ordinance sequestered estates of all who had assisted the King, one-fifth being set aside for wife and children. Oct. 1645. By the General Composition Act, all who should submit by Dec. 1 were to be admitted to composition, the time limit being subsequently extended. Delinquents were arranged in classes (Gardiner, Civil War, iii. 7-21, 311-19; Calendar of Committee for Compounding, 1643-60, Introd., p. xxx and pp. 33, 98). In 1653, 617 estates were declared forfeited for refusal to compound, most of which were sold, much of it in small parcels. In July, 1651, 70 estates were confiscated and ordered to be sold, most of these being large estates—among them those of Newcastle, Buckingham, and Hopton. In Nov., 1652, 618 estates were confiscated and ordered to be sold, many belonging to small men (Gardiner, Commonwealth, i. 417, ii. 141).

the Protector,' probably London merchants for whom he had dealings, succeeded in obtaining his release.'[1]

That the influence of small freeholders was considerable under the Protectorate is illustrated by the action of Parliament in 1654. They altered the qualification for the franchise from that of £200 personal or real, as it had been under the Instrument of Government, and restored it to the old 40*s.* freeholders, refusing at the same time to extend it to copyholders.[2]

No doubt at the Restoration the Church regained her lands, often accepting those who had acquired them as tenants, and those whose estates had been directly confiscated were again reinstated. But it was impossible to deal with those who, under pressure of the compositions, had been forced to sell; and that these lands were never regained is evident from the discontent of the Tory squires of the Restoration.

One more piece of evidence still remains. In many parts of England are to be found the houses of these small squires or large yeomen, testifying, by the style of their architecture, that they were built in Tudor or in early Stuart times, houses evidently belonging to men not of great but of middle estate, but which, in many cases, to-day have passed into the ownership of the rich, often to be occupied by tenant farmers.

The conclusion to which we are driven is that, if the Tudor and early Stuart period did see a good many of the poorest and some of the middle class driven from the soil whether rightly or wrongly, and much land changed hands, the numbers of the moderate-sized owners of land were in all probability increased. Under these circumstances

[1] Cf. Dictionary of National Biography: Wildman; and authorities quoted there.

[2] Gardiner, The Commonwealth, iii. 78.

there seems no reason to doubt the well-known estimate of King that the number of the freeholders in 1688 amounted to 180,000, with an average income of £60–£70.[1] If this estimate is at all correct the Restoration and the Revolution are the real turning-points in the history of our agricultural economy.

[1] King says, 40,000 large, 140,000 small freeholders, and 150,000 farmers. Probably under small freeholders he would include copyholders. It must, however, be noted that already both freeholders and copyholders were ceasing to till their lands and were leasing them out to others. This phenomenon increases as time goes on, and makes the whole problem increasingly difficult.

# V

## THE ENCLOSURES OF THE EIGHTEENTH AND NINETEENTH CENTURIES AND THEIR RESULTS

In dealing with the sixteenth and early seventeenth centuries we noticed that the Crown, by legislation or otherwise, was attempting, and with poor success, to check a movement which, whether good or not, was certainly in favour with the more active and pushing spirits of the age, and trying, by paternal interference, to stand between the rich and the poor and maintain or establish an equitable distribution of wealth. When we pass to the eighteenth the position has entirely changed. The legislature is now found on the side of those who urge the necessity of departing from the old paths, of adopting measures more suitable to economic conditions, and of stimulating by State action the advance of national wealth and power.

The reason for this is well known to most of my hearers, and may, therefore, be very briefly given. By the time of the Restoration, and still more at the date of the Revolution of 1688, the upper and middle landowning classes had attained to a position which they certainly never enjoyed before, and perhaps never held again. At the head of this powerful, and to a great extent homogeneous aristocracy, stood the peers, closely connected with the largest of the squires by social, if not by blood, ties—a class into which their younger children were ever descending and from which they were ever being recruited; while the body of the county gentry, who formed the great bulk of this

curious aristocracy, was ever being added to from below by the admission into their ranks of the successful lawyer, the banker, merchant, or other prosperous man of business and affairs.[1]

This aristocracy not only practically controlled the county elections where the franchise was in the hands of the 40*s.* freeholders, and monopolized the seats in Parliament, and the central executive, but also were real masters of local government and justice, forming as J.P.'s and members of Quarter Sessions a great, perhaps the greatest, unpaid set of local officials which the world has ever seen,—an aristocracy based on an enfranchised middle class, which paid for its privileges by personal services and claimed a precedence in public duties which the lower classes perhaps did not wish, and certainly were not able, to challenge.[2]

Under these circumstances it was inevitable not only that this Parliament—formed of the gentry 'the knights errant' of the Revolution of 1688—would represent the prejudices, the convictions, and the aspirations of the land-owners, but that the views of the legislature would be seconded and enforced by the local authorities.[3] Many of the Tudor and early Stuart writers had despaired of the success of legislation that ran counter to the interests of this powerful class[4]; and we know that the Protector

[1] Lecky, History, i. 193. Cf. De Foe, The Complete Tradesman, p. 74; Tour, i. 17; Voltaire, Lettres philosophiques, Letter x.

[2] Gneist, Englische Verfassungsgeschichte, Eng. trans., c. 47, 49. The number of electors was some 200,000. The qualification for a Knight of the Shire was £600, for a burgess £300 a year in land. That of a J.P. £100. Three-fourths of the House of Commons were J.P.'s.

[3] Godwin, Political Tracts, 1731, p. 30.

[4] Latimer, i. 93, 'We have good statutes, but in the end nothing cometh forth.' Thoroton, Nottinghamshire, Preface, 1676, 'The Lords and such gentlemen as are usually members of the House of Commons

Somerset's desire to check enclosure was resisted by Parliament itself. But now there is no further conflict. The Houses of Parliament, the Central Executive, and the local bodies of administration are all working together towards a common end—the advancement of the interests of a great commercial and land-owning aristocracy, who were all the more contemptuous of any opposition with which their views might meet, and disregardful of any distress their conduct might cause, because the astounding advance which the nation made under their guidance seemed to prove beyond dispute the correctness of their policy.

One of the most characteristic illustrations of this new departure is to be seen in the attitude now adopted towards enclosures. We have previously noticed that even before the middle of the seventeenth century both public opinion and Parliament itself were wavering as to the policy to be adopted. But after the Restoration, and still more after the Revolution of 1688, the change in favour of enclosures is decisive. The note is clearly struck by Houghton, who, in his collections (1693), says, 'he cannot but admire that people should be so backward to enclose, which would be more worth to us than the mines of Potosi to the King of Spain.'[1] And from that time forward this opinion is reiterated, with variations and elaborations, until it culminates in the earlier works of Arthur Young.[2] In 1710, the 'Old Almanack with a Postscript' advocates the enclosure of wastes, and sarcastically asks who can object. 'Will

have been the chief and almost only authors of and gainers by enclosures. Law which hinders profit of a powerful man is not effectually executed.'

[1] Quoted, English Hist. Review, xxiii. 483.

[2] Cf. more especially Woolidge, Systema Agriculturae, 1681; Nourse, Campania Felix, 1700; J. Mortimer, The whole Art of Husbandry, 1707; John Laurence, A New System of Agriculture, 1726; Ed. Laurence, Duty of a Steward, 1727.

the cottagers complain for their want of commonage? This they cannot do, for few of them have any cattle, and whether they have or not, there is recompense out of the enclosures, which will more than treble their loss. Will the engrossers of commons complain who eat up their own share and others' too? They dare not. Will those honest men complain who live on the theft of the commons? Not at least with the least reason, for then there will be work for them (in making hedges and ditches and then in the tillage and pasture, which will be increased).'[1] In 1744, a naïve method of promoting consolidation, which was one of the results of enclosure, was humbly proposed to the consideration of hon. members of both Houses by an English woollen manufacturer, to this effect, that all who bought two lots of land should receive the title of esquire, that of knight if he bought four, and that of baronet if he bought eight.[2] It is true, no doubt, that some were found to take the other side, but their warning voices were drowned in the general enthusiasm.[3]

It will be noted that we are here dealing with two kinds of enclosures, as in the sixteenth and seventeenth centuries, one of the old commonable field, and the other of the waste. But the movement of the eighteenth differed in two respects. Firstly, whereas in the sixteenth and seventeenth centuries the enclosures *chiefly* dealt with the commonable field, those of the eighteenth were largely, though by no means exclusively, concerned with the wastes.[4] Secondly, the enclosures of the sixteenth and seventeenth centuries were often only

[1] Scruton, Commons, p. 134.

[2] Quoted, Mantoux, La Révolution industrielle, p. 155, note.

[3] Cf. especially J. Cowper, Essay proving enclosing contrary to interests of the nation, 1732; Addington, Enquiry into reasons for and against enclosures, 1772; Cursory remarks on enclosures, 1786.

[4] The proportion is two-thirds to one-third.

the partial enclosure of a man's own lands, whereas in the eighteenth century the enclosure affected all the land in the parish or manor.

Hasbach[1] insists that the primary motive for enclosure in the eighteenth century was not, as is often supposed, the necessity of producing more corn to meet the needs of a growing population, but, as it had been in the sixteenth century, the financial interests of the landlords, and that the largest proportion of the land enclosed was at first used for pasture. By enclosing either the common field or the waste they would increase their rents, by consolidating their farms after enclosure they would find it less expensive and easier to collect the rent from a few big farmers than from many small ones. He further points out that at first in most parts of England, especially in the Midlands, it was the net produce rather than the gross which was increased by enclosing the common field, whether it was used for pasture or for tillage, although he omits to remind us that if, as is probably true, more corn was grown under the open-field system, many more hands were employed, and that it was therefore an uneconomical method.

The average price of corn he shows was lower from 1715 to 1765 than it had been in the previous twenty-one years.[2] Indeed, it was the very lowness of price which influenced the landlords to find some method by which the cost of production might be lessened, and their rents in consequence enhanced, and also to enclose the waste which had, hitherto, paid no rent. This, at least, was the case in the Midlands, although in Norfolk, Suffolk, and some few

[1] Hasbach, Die englischen Landarbeiter, 39 ff., now translated: J. Massie, Plea for establishment of Charity Houses, 1758, says expressly, 'that of late years those getting lands together put such lands . . . to pasture and not to tillage.'

[2] From 1693–1714, 45*s.* 8*d.*; from 1715–65, 34*s.* 11*d.*

other counties the higher rents were met by the adoption of more scientific methods and by increased production.[1]

The less gross production, he continues to argue, which was the general result of enclosure, coupled with the increase of population—especially the growth of London, as the century wore on, caused prices to rise. This led to further enclosures, more especially of the waste. Then came the industrial revolution, during the last half of the eighteenth century. The population rapidly increased; England ceased to export corn, the prices at home rose. This demanded further enclosure of the waste, and the more intensive and scientific cultivation of arable land, which now began to be adopted at the expense of pasture, and the movement culminated in the times of the Great War and the years that followed.

The desire for enclosure was not, however, confined to the large landowners who looked for higher rent. The clergyman would benefit by an enclosure of the waste, for arable purposes at least, for that would increase his tithe, and the capitalist farmer, whether he tilled his own land or not, wished for a larger farm. This he obtained from his share of the waste if he were an owner, and if not, by renting more land. In either case he was anxious to get rid of the common field and waste. The waste, because his rights thereon were of little value when shared with many others; the common field, because the commonable rights interfered with his desire to consolidate and to introduce more skilful methods of cultivation. Lastly, the statesman approved of the raising of rents, since the amount to be derived from taxation of the landed classes might in this

[1] Cf. especially the work of 'Turnip' Townshend, who, on retiring from politics in 1730, devoted himself to the better cultivation of his land, more especially the introduction of a better system of rotation by means of the turnip.

way be increased, and, if enclosure was followed by some depopulation, the existence of a standing army removed one of the most serious objections raised against the enclosures of the sixteenth century, that by such depopulation the number of those fitted to serve in time of war was dangerously diminished.

It is, no doubt, true that all these classes—the landlord, the large farmer, the tithe-owner—were personally interested in the change, and that their interests blinded them to some of the less beneficial results. Yet in justice we must allow that the landowning classes were also actuated by a real belief that the movement would benefit the whole nation—a belief in which they were supported by many of the best heads of the day. Thus Bentham speaks of enclosures, of the waste at least, as happy conquests of peaceful industry, noble aggrandizements which inspire no alarm and provoke no enemies.[1] We shall return to this point later. Suffice it here to say that for these reasons enclosure, —which, as Mr. Gonner has shown in a late number of the Historical Review,[2] had been going on continuously, though not at a uniform rate, from the Restoration onwards—now proceeded at an accelerated pace.

To meet this desire a more expeditious method is adopted. Hitherto enclosures had been effected by agreements ratified by the Court of Chancery, or by Royal Licence if Crown interests were involved. Now Parliament itself comes to the aid of enclosure by allowing it to be done by Private Acts of Parliament. As early as 1545 an Act had been passed for the partition of Hounslow Heath because 'barrenness is the mother of dearth', and 3 and 4 Edward VI repealed the Statute of Merton and affirmed the lords' power of approvement. In the reign of Charles II two

[1] Bentham, Works, i. 342, viii. 449.
[2] English Hist. Review, vol. xxiii. 477.

Private Acts had been passed; but it is not till the beginning of the eighteenth century that this method becomes the usual one.

The rate of enclosure from that date may be gathered from the following table:—

| | Common Field and some Waste. | | Waste only. | |
|---|---|---|---|---|
| | *Acts.* | *Acreage.* | *Acts.* | *Acreage.* |
| 1700-60 | 152 | 237,845 | 56 | 74,518 |
| 1761-1801 | 1,479 | 2 428,721 | 521 | 752,150 |
| 1802-44 | 1,075 | 1,610,302 | 808 | 939,043 |
| 1845 and after | 164 awards | 187,321 | 508 awards | 334,906 |
| Total | 2,870 | 4,464,189 | 1,893 | 2,100,617 |

The importance of the movement will be best appreciated by comparing the acreage affected by these Acts [1] with that of the hypothetical table which we gave of the extent of the enclosures from the fifteenth to the seventeenth century. Thus, while in the earlier period the maximum percentage of acreage in any one county was 8·94 per cent., and that was only touched by four counties, in the later period in fourteen counties the percentage of acres enclosed by Acts enclosing common field and some waste rises as high as 25 per cent. to 50 per cent., and only falls below 5 per cent. in sixteen counties; and, whereas only twenty-five counties were affected at all in the earlier period, in the eighteenth and nineteenth centuries Acts were passed for thirty-six counties; and whereas the total acreage enclosed from the fifteenth to the seventeenth century was only 744,000 acres, or 2·1 per cent. of the total area of England,

[1] Cp. maps II *A*, *B* at end of book. These estimates are based on Slater's Statistical Tables, p. 140. But it should be noted that in some cases the acreage is based on probability, since the Act is sometimes silent on this point.

in the eighteenth and nineteenth centuries the acreage enclosed was at least 4,464,189. To this, which only includes those enclosures and awards in which some common field was enclosed, we must add the Acts and awards referring to waste only. Of these there were as many as 1,385 passed before the general Enclosure Act of 1845 dealing with 1,765,711 acres, and 508 subsequent awards dealing with 334,906 acres. Thus, the total number of acres enclosed in the eighteenth and nineteenth centuries will be found to be some six and a half million, that is, nearly 20 per cent. of the total acreage of England.

I must warn my hearers that these estimates are somewhat hypothetical. The tables prepared by Mr. Gay dealing with the earlier period are, as I have shown, based on much assumption. Those of Mr. Slater are equally so.[2] Nor is this all. On the one hand we know that the inquisitions of the sixteenth and seventeenth centuries only dealt with twenty-five counties, and that enclosure had certainly been going on in many other counties. Indeed, there is good reason to believe that the amount of enclosure was much less exactly in those counties where it caused most discontent, as is proved by the fact that we have more Private Acts dealing with those counties in the eighteenth century, that is in those counties where there was from the first most common field. Nor again have we any means of estimating the amount enclosed from 1607 to 1700.

On the other hand, when dealing with the eighteenth and nineteenth centuries, we know that there was a great

[1] Slater, Appendix A, and further information supplied by Mr. Slater, and returns sent me by the Board of Agriculture.

[2] Cf. Slater, p. 140, note; Prothero, Pioneers, p. 257, puts the acreage as high as eight and a quarter millions; Hunter, Statistical Soc., no. 60.

deal of enclosure by agreement, both before and after the General Enclosure Acts of 1836 and 1845. Mr. Slater has made an attempt to discover what that amount was after 1845, and estimates it at something between half and five-sevenths of the area enclosed by Private Acts during the same period. But there is no reliable evidence for the previous periods. All we can say is, that the application for Private Acts does not prove that enclosure was going on more rapidly, but only that it was more difficult to obtain the consent which was necessary for it to be done by agreement.

In spite of these difficulties and doubts, we may at least feel certain that the enclosing movement of the eighteenth and nineteenth centuries was infinitely more extensive than that of the earlier period, and that it was accompanied by far more important results.

You will find by referring to the maps II *A* and *B*, counties classified according to the percentage of common field and of waste enclosed. Now, in comparing the map II *A*, of the eighteenth century, dealing with commonable field, with that of the sixteenth and seventeenth centuries it is noticeable that, with few exceptions, the resemblance is very close. It is exactly in those countries where there was most trouble in the sixteenth and seventeenth centuries that the enclosure is most extensive in the eighteenth and nineteenth centuries, namely, in counties coloured black in map II *A*; that is, in a band of counties running from NE. to SW. across the middle of England. Thus, all the eleven counties where the percentage is highest in the sixteenth and seventeenth centuries stand among the first fourteen in the eighteenth century, except Middlesex; and of the fourteen where the average is highest in the eighteenth century, Yorkshire alone is little troubled in the sixteenth and seventeenth centuries.

[1] Slater, Enclosures, pp. 151, 192.

This resemblance is, no doubt, to be accounted for by the fact that it was exactly in those counties that the tillage in the commonable open field was most extensive, and the exceptions to this similarity are, most of them, to be explained. Again, all the four counties — Lancashire, Devon, Cornwall, Kent—where there is no enclosure in the eighteenth century are among those where there was no complaint in the sixteenth and seventeenth centuries.

When, however, we come to deal with enclosure of the waste only,[1] no such comparison is to be made, because the enclosures of the earlier period did not seriously affect the waste at all, and because it is just in those counties where there is most waste that there is usually less land in cultivation, either in the common field or otherwise. A reference to the table given at p. 90 will show that it is with the year 1761 that the enclosing movement becomes very active. This is partly due to the influence of A. Young and others of his school, partly to the necessity for a protectionist country, engaged during a greater part of the period in war, to feed its population—a population which was increasing with extraordinary rapidity; and, as we should naturally expect, it is accompanied by increased attention being paid to the agricultural question, both by writers and practical agriculturists, and by additional facilities granted by Parliament for the work of enclosure.[2]

[1] Cf. Map II *B* at end of book.

[2] In 1793 the Board of Agriculture was started, and it reported in 1795. In 1801 the first general Act was passed for consolidating into one Act provisions hitherto usually inserted in Private Acts, and for facilitating enclosure. Expenses were thereby reduced, though a Private Act was still in each case necessary. In 1834 an Act was passed for facilitating exchanges of land lying intermixed. In 1836 an Act for facilitating enclosure of *open* fields, but not of wastes, allowed Commissioners to be appointed, without reference to Parliament, with consent of possessors of common-rights to amount of two-thirds value. In 1845, by the General Enclosure Act. Enclosure Commissioners were

The next point to notice is that the relative amount of common field and of waste enclosed varies. Thus, while the enclosure of the common field is going on most rapidly in the forty years between 1761 and 1801, and is nearly finished by the year 1845, the great period for the enclosing of the waste belongs to the forty years following (1802 to 1844), and is by no means over in 1845. This difference is easily explained. It was natural that attention should be first paid to the common field, but as that became enclosed the waste was resorted to in the desire of thereby adding to the land under cultivation at a time when the price of corn and all foodstuffs was so high.

By the year 1876 the enclosing movement was practically over. The common open field still survived in several counties, notably in Bedfordshire, Cambridgeshire, Berkshire, Buckinghamshire, Lincolnshire, in the Vale of Pickering, and in Northamptonshire.[1] These soon were for the most part enclosed, though some lasted on into the twentieth century, an interesting memorial of a past system of cultivation. With regard to the wastes or commons, however, public opinion began to change, and a new gospel began to be preached. The enormous growth of population led philanthropists to value open spaces as conducing both to the physical and mental welfare of the masses, and social reformers began to complain that the poor man had been divorced from the soil, largely

appointed by Parliament to approve of suggested enclosures. These it was hoped would look better after interests of the poor. In 1852, by 15 & 16 Vict., all such schemes were to be submitted to Parliament in a general Act. Cf. Scruton, Commons, p. 155.

[1] Prothero, Pioneers, p. 50. According to the return of 1874 264,000 acres still lay in the common field, 883,000 acres were waste but capable of cultivation, 1,500,000 acres were unfit for cultivation, cf. Board of Agriculture Report, 1912, p. 10.

owing to enclosures, and to raise the cry, 'Back to the land.' The common field was doomed. But some wastes still remained, and these it was hoped might be saved. Accordingly we now meet with Acts of Parliament to regulate and sometimes to prevent enclosure.

Thus, between 1876 and 1889 there were only seventy-three applications, and of these two-thirds were rejected. Between 1889–1902 there were only six, of which one was rejected; and during the whole period (1876–1902), nearly twenty-six years, the total enclosed only amounted to some 29,000 acres. By the Act of 1893 no lord was to 'approve' the waste, and no waste was to be enclosed without the consent of the Board of Agriculture.[1] Thus, in the closing years of the nineteenth century agricultural England finally, for better or for worse, assumed her modern aspect.

In dealing with the results of enclosure, we must keep in mind the distinction between enclosure of the common fields and enclosure of the waste, and with regard to both beware of too readily accepting the exaggerated statements of advocates and of opponents.[2]

[1] Cf. Hunter, Statistical Soc., no. 60.

[2] For the whole controversy, see especially—

α. In favour of enclosure: Kent, Hints to gentlemen; Howlett, Enclosures a cause of improved agriculture, 1787; Horner, Essay on enclosures, 1766; Arbuthnot, Enquiry into connection between present prices and size of farms, 1773; A. Young, Political Arithmetic; Bentham, Works, i. 342, viii. 449.

β. Against enclosures: J. Cowper, Essay proving enclosure contrary to interests of the Nation, 1732; Stephen Addington, An enquiry into the reasons for and against enclosures, Coventry, 1767.

The following anonymous pamphlets in the British Museum: T. 1494, 1950, An inquiry into advantages and disadvantages resulting from Bills of Enclosure, 1780; Anon., A political enquiry into the advantages, &c., 1785; Cursory remarks on Enclosures, 1786. A. Young, who is generally in favour of enclosures, has some criticisms especially in Farmers' Letters, pp. 94, 181; Annals, vol. 36, 1801, p. 515; vol.

Thus, on the one side, we find attempts to describe the condition of things before enclosure as idyllic. This they certainly were not. The excessive subdivision of the common fields caused waste of time and of land in cultivating the narrow strips, and led to constant, sometimes ridiculous, quarrels which entirely prevented any system of improved tillage. The land was dirty, the balks grew thistles and couch grass which spread. By undue extension of the arable field there was a dearth of the necessary manure. The right enjoyed by the commoners to turn out beasts on the common field after the hay and corn harvest, and on the waste, was often abused by the richer commoners, who would buy stock for that purpose. In other manors the right was of little use, because the cattle and sheep of the poorer commoners were often victims of infectious diseases; in others, if all had exercised their rights, there would not have been a fortnight's feed.[1]

Nor were the cottagers who lived on the waste, with some notable exceptions,[2] very desirable folk. Many of these were probably descendants of those who in earlier days had been driven from their tenancies at will on the demesne and elsewhere; the unfortunate victims of the economical changes of the preceding centuries; but they were recruited from the lowest classes, and if they did in some

41, 1809, p. 231. The whole subject is well treated in Board of Agriculture General Report, 1808; Parl. Commission on Enclosures, 1844; and by Hasbach, Die englischen Landarbeiter, p. 60; Mantoux, La Révolution industrielle, pp. 146, 515; Slater, English Peasantry and Enclosures, especially c. xviii.

[1] Report on Enclosures, 1844, Qs. 1543, 3996, 4190–2, 4270, 4276, 4391, 4393, 4766, &c. Sir J. Sinclair declared that the difference between weight of beasts fed on the commons and on enclosed lands was 370 lb. as against 800, calves 50 as against 148, sheep 28 as against 80: Address to Board of Agriculture, 1795.

[2] A. Young, Annals, vol. xxxvi, 1801, p. 497.

cases provide the extra labour which was from time to time required they were often idle and thievish, and sometimes dangerous.[1] 'Where wastes are most extensive,' says a writer of 1794, 'there cottagers are most wretched and worthless. Accustomed to rely on a precarious or vagabond existence from the land in a state of nature, when that fails they take to pilfering and poaching,' while another, speaking of Epping, says, 'the undergraduates in iniquity commence their career with deer stealing, and here the more finished and hardened robber retires from justice.'[2] Indeed, when we read of the condition of those parishes which at the beginning of the eighteenth century were still unenclosed, we are astonished, not that enclosure came when it did, but that it had been delayed so long, and are forced to agree with A. Young that 'the goths and vandals of open-field farmers must die out before any improvement could take place'.

The question, how far the enclosures of the eighteenth century affected the landless classes, only concerns us indirectly. It may be, therefore, briefly summarized. The results in this respect, as in the sixteenth and seventeenth centuries, depend upon two factors. First, whether it was the waste or the common arable field which was enclosed, and second, whether the land so enclosed was used for arable purposes or for pasture. Of course, if the waste were enclosed and used for arable purposes there would be more employment, but not so if it still continued unploughed, and even if the open field when enclosed was still ploughed there would be fewer hands employed.[3]

[1] Report 1844, Qs. 71, 1811, 1816, 3091, 3095, 4122, 4204, 5068, 5071, &c.

[2] Vancouver, Essex, p. 110.

[3] 1,000 acres rich arable land supported 20 families before enclosure, 5 after; poor arable land 20 before, 16½ after. Board of Agriculture General Report, 1808, p. 1.

We have no means of knowing the proportion of waste to common field enclosed by private agreement, but, as we have shown, the larger number of Private Acts passed between 1702 and 1802 were for the enclosing of commonable open fields, although in some cases some waste was enclosed by the same Act.

Further, it appears that the larger proportion of the land enclosed was, during the first sixty years of the century at least, used for pasture. Mr. Cunningham[1] argues that this could not be; because the prohibition of the export of wool kept prices down, and the bounty on exportation of corn encouraged tillage. Mr. Cunningham, however, forgets that the price of corn was still low (from 1700 to 1765 it only reached an average price of 30*s.* a quarter (or from 26*s.* to 48*s.*, whereas just before 1700 it had touched 68*s.*), and that the price of meat was high. It should also be remembered that the small farmer did not grow corn for the market but for his own consumption, the products for sale being cattle, sheep, pigs, poultry, fruit, vegetables, and eggs. Moreover, the net product of pasture-farming was greater.[2] Mr. Slater has come to the probable conclusion that in the Midlands and West the best land was used for pasture, especially in Northampton, Leicester, Lincoln, Oxon., Bucks., Warwick, Huntingdon, Gloucester, and reminds us of the evidence to be seen to this day in the ridge and furrow on grass lands, the remains of the open field running through hedges. Now,[3] as hedges

[1] Cunningham, English Industry, ii. 384.

[2] Slater, p. 108; Eden, State of Poor, ii. 30, says, that in Berks. arable land was laid down in pasture as late as 1797; cf. also Hasbach, p. 39 ff.; Thoroton, Notts., Preface, says, however, that in 1677 'Pasture already begins to exceed the vent for the commodities which it yields'.

[3] A. Smith, ed. M^cCulloch, p. 69; A. Young, Farmers' Letters, p. 95.

come after enclosure, this proves that before enclosure the land had been under the plough.

As the century wore on, no doubt, the area under tillage increased, which did a good deal to restore the balance. A Select Committee of the House of Commons estimated that as a result of all the Acts for enclosure of waste and common field, passed between 1755 and 1800, there had been a net gain of area under wheat to the amount of 10,625 acres, but this Report included Acts for enclosure of the waste. In the General Report of the Board of Agriculture of 1808, which leaves out all cases where waste alone was enclosed, we find that in the Midland Counties there was, under Enclosure Acts passed between 1761 and 1799 a net decrease of land applied to arable purposes of 19,003 acres. In the other parts of England, however, especially in the Eastern Counties, there was a gain, which altogether comes to 2,988 acres, so that the total decrease of land under the plough for the whole of England, as a result of enclosure of the open commonable field, amounted during that period to 16,015 acres,[1] not, it must be confessed, a serious matter. When we come to the nineteenth century, the very high price of corn told at last, and from that date until about 1830 the acreage under tillage enormously increased.[2]

Whatever may be the truth as to the effect of enclosure on the landless folk, there can be little doubt, in spite of attempts to prove the contrary,[3] that the enclosure, whether of the common field or of the waste, was, in the way at

[1] Slater, p. 108; Report of Board of Agriculture on Enclosures, 1802, pp. 229-32.

[2] Cf. on the whole question, Cunningham, English Industry, ii. 38; Slater, p. 108; Select Committee of House of Commons, Dec., 1800; General Report on Enclosures, 1808, pp. 99, 232; Mantoux, 165; Hasbach, p. 39 ff.; Scruton, Commons, p. 146; Horner, Essay on Enclosure, 1766, p. 15; Victoria County Hist.: Durham, ii. 240.

[3] Cf. Bentham, who declared that the enclosure of the waste was favourable to the interests of rich and poor alike.

least in which it was in most cases carried out, a serious disadvantage to the small landowner. By the enclosure of the common field the small freeholder or copyholder lost his rights of turning out his cattle after hay and corn harvests, and that of gleaning on the stubbles. The waste once enclosed, he had no longer anywhere to go for his firing, and no place where he could turn out his cattle in the summer while he cultivated his little plot.[1] He received, indeed, an allotment from the waste, but, until the later Acts more carefully protected him, he often did not receive even his equitable share, and even when he did, that share would of necessity be small,[2] and, as he soon discovered, no adequate compensation for his old rights on the waste, without which it was difficult to work his holding profitably.

A contemporary somewhat exaggerated when he said, 'strip the small farms of the benefit of the commons and they are all levelled at one stroke to the ground.' Yet his opinion is confirmed by many others.[3] Later experience

Cf. Scruton, Commons, for these various rights and their technical terms.

[2] One acre for the right of turning out two cows and three sheep appears a usual allotment. A. Young, Annals, xxxvi. 513.

[3] Enquiry into advantages and disadvantages resulting from Bills of Enclosure quoted authorities, Hasbach, p. 108; cf. Mantoux, La Révolution industrielle, p. 172; Evidence from Board of Agriculture Report on Enclosure, 1808; Report 1844, Qs. 175, 311, 1643, 1662, 4292, &c.; cf. Lord G. Somerset's opinion that they had not had sufficient evidence from those likely to be most hurt, and his amendment to the Report, 'that the utmost care was needed in legislating to provide against the infringement of the rights or privileges of any parties without compensation'—(though the amendment was lost). Of course there are some instances to the contrary. Cf. Report 1844, Q. 3990, where we learn that an enclosure of waste in a Cambridgeshire parish was so unpopular that it had to be enforced by soldiery—and yet that the opponents subsequently laughed at their own folly, for the common had been divided into gardens, and cottages worth only

has shown that the small owner thrives best where, as in the New Forest, a waste remains,[1] and I am convinced that the peasant proprietor was more seriously injured by the enclosure of the waste than of the common field.

Then again, the expenses attending enclosure were heavy, especially when it had to be effected by a Private Act of Parliament. It cost much to get an Act passed. The lawyers, the surveyors, and lastly the commissioners had to be paid.[2] Sometimes, indeed, the lord of the manor or some of the richer owners would bear the burden, obtaining an extra allotment in return; but in that case the allotment of the poor man would probably be smaller. Finally, when all was settled, the holding had to be hedged. To meet the expenses money had often to be raised, and this meant debt and, perhaps, a mortgage. Under these circumstances the small man was ever tempted, and sometimes forced by financial distress, to sell his holding to his richer neighbour, or to some capitalist who was seeking for land, and whom Cobbett calls contemptuously 'the fundholder'. Thus, the indirect result of enclosure was consolidation. The poorer sold and the rich bought.[3]

In answer to all this the promoters of enclosure pointed to the fact that many enclosures were done by agreement, and that even for a Private Act of Parliament substantial agreement of a majority was necessary. The argument, though specious is fallacious.[4] It was not the consent of

£40 before were now worth £100; cf. again, Qs. 1341, 1357, 1647, 1841, 3045; for The Isle of Axholme, the paradise of small proprietors, Slater, p. 53.

[1] Cf. those villages in Germany where peasant proprietors have rights on communal land and flourish: German Examples of Public Ownership, Land Nationalisation Soc., Tract no. 91.

[2] Hasbach, p. 110, and authorities there quoted.

[3] General Report on Enclosures, 1888, p. 158.

[4] Cf. Mantoux, La Révolution industrielle, p. 157, and authorities

the majority of owners which was necessary, but of the owners, who held four-fifths of the land. Those holding the remaining one-fifth might be in a majority and yet be overruled.[1] Moreover, those who opposed enclosure were often coaxed or bribed,[2] or induced to sell,[3] or, if they were copyholders or leaseholders for lives, the lord might refuse to renew, so that their lands might come into his hand.

The Act once passed, commissioners were appointed to carry it out. The commissioners were named in the Act, they were generally suggested by the petitioners, and therefore were in the interests of the bigger men. Their powers were despotic, and there was no appeal from their award, until the Act of 1801, which instituted an appeal to Quarter Sessions, and also disqualified persons who were not likely to be impartial. A. Young himself, although a strong advocate of enclosures, complained of all this. 'The proprietors of large estates generally agree upon the measure, adjust the principal points among themselves, and fix upon their attorney before they appoint any general meeting of all the proprietors. The small proprietor . . . has little or no weight in regulating the clauses of the Act. The property of the proprietors, especially of the poor ones, is entirely at the mercy of the commissioners, for they are vested with a despotic power known in no other branch of

quoted there, especially Addington, An inquiry into reasons for and against enclosing, pp. 24–5.

[1] Cf. Mantoux, p. 157. He quotes instance of Quainton, Bucks., where out of thirty-four owners eight proprietors holding more than four-fifths were for enclosure against twenty-two who opposed it.

[2] Cf. Victoria County Hist.: Oxford, p. 200, where it was alleged that a commoner bartered his right for a pot of beer.

[3] So Laurence suggests in his Duty of a Steward, p. 37; cf. also Report of Board of Agriculture, 1795, Gloucester Reporter, 'The best step would be to pass a general Act ascertaining proportions according to each freeholder's separate property. Speculative men would then soon buy up the smaller shares.'

business in this free country.'[1] Even Lord Thurlow, under one of those pious impulses to which we know he was sometimes subject, denounced the injustice inflicted on small proprietors.[2]

The fate of the cottagers was much worse. These, it should be remembered, had no legal rights on the waste[3] or on the common field. The advocates for enclosure argued that they were mere squatters, with no rights at all, and tried, moreover, to prove that, not only would the parish itself gain by their removal, but that they themselves would benefit materially, because the use of the waste was of little advantage to them, and morally, because they would give up idleness and take to labour, the demand for which would be more continuous because of enclosure.[4] The first statement forgets that little is better than nothing; the second might be true until the hedging, consequent on enclosure, was finished; but that done, the question of employment would depend on whether arable cultivation or pasture followed. In any case, they generally lost their privilege of turning out a donkey, a few sheep, or some poultry on the common.[5]

[1] A. Young, Six Months' Tour through North of England, 1771, i. 222; Annals, xxxvi, pp. 529, 566; cf. also Board of Agriculture General Report on Enclosures, 1808.

[2] Parl. Hist., xxii. 59.

[3] The object of Act of Settlement of 1662 had been to restrain people from going from parish to parish and 'settling where there is the largest common or waste to build cottages and the most woods for them to destroy, and when they have consumed it then to another parish.' In some parts of Wales and England there was an idea that if a squatter could build a cottage in *one* night he could not be removed. But a cottage did not carry with it any right to turn out cattle unless it had land attached. Report 1844, Qs. 3255, 3260, 4898, 4900.

[4] Report on Enclosures, 1844, Qs. 175, 311, 1278, 1414, 1643, 1662, 1841–7, 3084, 4292, 5064, &c.

[5] There are some instances to the contrary; Scruton, p. 150; Victoria County Hist.: Lincolnshire, p. 342.

It does not appear, indeed, that they had any legal right to these privileges. Some had obtained them by grant of the lord, which was revocable, others had usurped them, more especially on manors belonging to the Crown. Yet they were just the sort of inchoate rights which, in the Middle Age, might have gradually gained strength under the protection of the manorial courts into rights, 'according to the custom of the manor'; customary rights which, in time, the royal courts might themselves have enforced, but which were not yet strong enough to stand the test of the King's Law.

Then again, there were many little village officials, the viewers of fields, the letters of cattle, the common shepherd, the hayward, the chimney sweepers, or peepers, as they were called,[1] who lost their employment and with it the plots of land they had held in payment of their services. A commissioner of enclosure lamented that he had been accessory to injuring the poor at the rate of twenty families per parish.[2]

Even A. Young admits that out of thirty-seven parishes in the Eastern Counties there were only twelve in which the labourers had not been injured, and says that by nineteen out of twenty Enclosure Bills the poor are injured, and some grossly injured. 'The poor in these parishes may say Parliament may be tender of property; all I know is, I had a cow and an Act of Parliament has taken it from me.'[3] He therefore urged that allotments sufficient to keep a cow or two should be granted to them.

Something, indeed, was done by the Act of 1797, and by the later General Enclosure Acts a certain allotment of land was to be given to the guardians. Sixty years'

[1] Slater, p. 128.
[2] Board of Agriculture Report, 1808, p. 156.
[3] A. Young, Annals, xxxvi. 516.

usage was to establish a right. In some cases a piece of common was reserved for the cottagers, in a few they received a separate allotment, but so small as to be valueless, except that they had something to sell.[1] With the General Enclosure Act of 1845, however, a change for the better was inaugurated. Much more attention was paid to the interests of the public and to those of the poor, and the Commissioners, in their Report of 1876, boasted that by their 946 awards between 1845 and 1876, 'they not only redeemed an area from common and waste equal to that of a whole county, but that they had divided this acreage among a far larger and more varied body of landowners than that of any county in England.'[2]

Even so, enclosure facilitated consolidation. As long as the common field existed, with its endless divisions and irksome restrictions, there was little inducement for the larger landholder to buy; but that once gone, with its commonable rights, consolidation became not only possible but profitable.[3]

In every way then, both directly and indirectly, enclosures tended to divorce the poor man from the soil. It would, however, be a great mistake to imagine that enclosure was the sole, or even the chief, cause for this change which was coming over England during the eighteenth and nineteenth centuries. Indeed, Ed. Lawrence, when suggesting how a preparation for enclosure might be made, shows that the same result might have been slowly attained by the buying up of all the interests,[4] and, as we shall subsequently show, it does not appear that enclosure

[1] Mantoux, p. 162, and authorities quoted; Scruton, p. 159.

[2] Board of Agriculture, Annual Report, 1903, pp. 11, 30; the acreage was about 618,000.

[3] General Report on Enclosures, 1808, p. 32.

'A vigilant steward should be zealous for his lord's sake, in purchasing all the freeholders out as soon as possible, especially

was immediately or necessarily followed by consolidation, unless the circumstances of time and place were favourable. Enclosure removed the obstacles, and thus facilitated consolidation, but did not do much more.

Enclosure was, moreover, unavoidable, and the worst that can be said of the enclosing movement, whether of the common field or of the waste is, not that it was in itself undesirable, but that sufficient care was not taken to secure better compensation for the small commoner and, perhaps, for the cottager, though in any case their allotments must have been small. There seems, indeed, some injustice in the Christian statement that to him that hath shall be given. But then, some of us have found it hard to realize the strict justice of the multiplication table. Why should twice one be only two and twice fifty 100? Nay, why should a million times nothing still be nothing?

The larger yeoman at least was benefited rather than injured by enclosure. The allotment he received out of the waste was considerable, while he had everything to gain by the disappearance of the common field. Above him stood the small squire or lord of the manor, who gained much more, and was, indeed, often the prime mover.

Enclosures then, should be looked upon rather as a symptom of a desire to consolidate; as a necessary preliminary, rather than as the true cause of consolidation. It is when we have decided what these causes were, that we shall be able to explain why in England the small owner has to a great extent disappeared, while he still survives on the continent.

in such manors where improvements are to be made by enclosing,' E. Laurence, The Duty of a Steward, p. 37.

# VI

## ECONOMICAL AND OTHER CAUSES OF THE DECLINE OF THE SMALL LANDOWNER IN THE EIGHTEENTH AND NINETEENTH CENTURIES

The real solvent of the old English agricultural community would seem to have been the extension of the commercial spirit to the field of agricultural industry. This, as we have already shown, first commenced at the close of the fifteenth century, but it was in the eighteenth century that it reached its final consummation. And it is the working of this commercial spirit which I now propose to deal with.

We have already quoted Hasbach's opinion that it was the desire of the landlord to increase his rents which first led to consolidation of farms, and this, because expenses were thereby reduced, and therefore the net gain was higher, and because it was easier to collect rent from one big than many small farmers.[1]

Yet, apart from this somewhat sordid, though not unnatural motive, there was from the beginning of the eighteenth century a growing conviction as to the desirability of more scientific farming. This belief, again, first definitely appears in Tudor times in the works of Tusser

[1] A. Young, Northern Tour, ii. 84, advises the raising of rents to urge tenants to greater effort, and says, 'if you would have vigorous culture throw fifteen or twenty (small) farms into one as soon as the present occupiers die off'; Levy, Entstehung und Rückgang des landwirthschaftlichen Grossbetriebes in England.

(Five Hundred Points of Husbandry) and of Fitzherbert. From that time forward we can trace a steady development of theory. In the seventeenth century, Leonard Mascall (1605) treats of the more scientific 'government of cattel'. John Norden writes his Surveyor's Dialogue, 1607. In 1610, Rowland Vaughan first draws attention to the value of irrigation. In 1649, Walter Blith, in his English Improver, points out the advantages of drainage. In 1650, Sir R. Weston, formerly ambassador in the Palatinate, in his 'Discourse of Husbandrie used in Brabant and Flanders', advocates the use of clover and of turnips; in the same year Samuel Hartlib, the friend of Milton, advises the folding of sheep after the Flanders manner. In 1669, John Forster suggests the plantation of potatoes as a remedy against all succeeding dear years.

It is, however, when we pass to the eighteenth century that the writers increase in number and in importance. Of this school Jethro Tull, 1731, may be considered the father. A native of Berkshire, though as so often the case a failure as a practical farmer, he was a man of scientific attainments and great originality. He not only taught the importance of more extensive cultivation, but invented a variety of agricultural implements, and from that time forward pamphlets and treatises too numerous to mention appear, until they culminate in the works of A. Young.

For a long time, however, the English farmer refused to listen. The earlier writers sometimes suggested absurd remedies. 'Take,' says Hartlib or his editor, 'serpents or, which is best, vipers; cut their heads and tayles off and dry the rest to powder. Mingle this powder with salt, and give a few grains to sheep who have the flukes.' Many of the reforms urged upon the farmer were on foreign models, and

[1] Cf. Prothero, Pioneers and progress of English Farming, pp. 29, 248.

his insular prejudices led him to despise them. He was slow, and he was cautious and hide-bound in his antiquated traditions. They seem, says one authority, speaking of the statesmen of Cumberland, to inherit with the estates of their ancestors their notions of cultivating them.[1] As Tull himself remarked, the farmers said of his clover, that gentlemen might sow it if they pleased, but *they* had to pay their rent. Besides, few of these writers had practical experience, and failed when they put their theories to the test. 'Tusser teaching thrift never throve. Gabriel Plattes, the counsellor, who boasted that he could raise thirty bushels of wheat to the acre, died in the streets for want of bread. Jethro Tull, instead of gaining an estate, lost two by his horse-hoeing husbandry. Even Arthur Young failed twice in farm management before he began his invaluable tours.'[2]

Even if prejudice had not stood in the way the small farmer had not the necessary capital to adopt scientific farming. 'Where,' asks A. Young, 'is the little farmer to be found who will cover his whole farm with marl at the rate of 100 or 150 tons an acre? who will drain his land at the expense of £2 or £3 an acre? who will pay a heavy price for the manure of towns and convey it thirty miles by land carriage? . . . who to improve the breed of his sheep will give 1,000 guineas for the use of a single ram for a single season? who will send across the kingdom to distant provinces for new implements and for men to use them?[3] 'Deduct from agriculture all the practices that have made it flourishing in this island and you have precisely the management of small farms.'

[1] Benley and Colley, Cumberland, quoted Rae, Contemp. Review, Oct., 1883.

[2] Prothero, Pioneers, p. 59; cf. also The Pleasant Land of France, p. 45, for other unsuccessful theorists abroad.

[3] A. Young, Tour in France, quoted in Prothero, Pioneers, p. 74; Mantoux, p. 148.

Fortunately for England, the great landowners answered the call and conferred a lasting benefit on the country. From the beginning of the eighteenth century the landowning gentry and peers devoted themselves to more scientific farming. The successful statesman, Walpole, read his letters from his steward before his State letters. The disappointed politician, Townshend, found in the pursuit of agriculture a refuge from ennui. A rector, on being rebuked by his archdeacon for growing turnips in his churchyard, promised that it should be barley next year. 'Bolingbroke caused his house at Dawley to be painted with ricks, spades, and prongs,' says Mr. Prothero, 'and read Swift's letters between two haycocks, with his eyes to heaven, not in admiration of the Dean but in fear of rain.'[1] Before long, Bakewell, of Dishley, 1725–94, Coke, of Holkham, 1776, the Duke of Bedford, and many others, were to make England famous for her scientific methods of cultivation, and for her fine breeds of cattle and of sheep. In short, it became the fashion to be an agriculturist, especially when George III adopted the rôle of the Farmer King.

Meanwhile, the industrial revolution of the eighteenth century had commenced. The chief features of this revolution may, so far as we are concerned, be briefly summed up. The Scottish union had widened our internal market; the Treaty of Utrecht had given us final entry into the Mediterranean, and the Seven Years' War left us masters of India, of the greater part of North America, and of most of the West Indian Islands, as well as giving us the command of the sea. Thereby the area of our commerce was vastly extended, and English shipping, encouraged by the Navigation Laws, was ready to carry our goods to these new markets. At once the desire to produce as largely

[1] Cf. Prothero, p. 78 ff.

and as cheaply as possible, so as to occupy these markets, became intensified, and England responded to the call.

The cotton industry, which hitherto had depended on the East for its raw material, of which it only sent us its superfluity, now received additional supplies from the West Indies. The English temperature was admirably suited for spinning and weaving, and cotton for a time played the part which wool had in the earlier ages. 'There was at first great opposition to cotton goods. In 1719 the London woollen weavers tore the new "calico", or "calicut" gowns off the ladies' backs. Acts were passed against wearing cottons. Not till 1774 were *pure* cotton goods a lawful import.'[1] But these prejudices, based largely on the self-interest of the wool makers, passed away, and by 1815 our export of cotton goods was seventeen million pounds sterling, as against seven millions woollen.

It was just at this moment that the great age of inventions opened. Kay's fly shuttle (1730), the weaving machine of Wyatt and Lewis Paul (1738), the spinning-jenny of Hargreaves (1765), the water frame and spinning roller of Arkwright (1767), Crompton's mule (1777), and Cartwright's weaving machine (1785), followed in rapid succession, and aided the development of all textile industries. At the same time the discovery of the blast furnace enabled iron to be smelted with coal, and solved the difficulty which had arisen from the dearth of charcoal as fuel.[2] Finally, the use of steam as a new motive power to drive these machines was discovered by James Watt, 1769–82.[3]

If, however, England was to profit from these new

[1] Fletcher, History of England.

[2] Mantoux, La Révolution industrielle, p. 189 ff., and authorities quoted there.

[3] Mantoux, p. 316 ff., and authorities quoted.

inventions she required workers and capital. Workers, because although all these inventions added enormously to the productiveness of labour, yet more was ever demanded. Capital, because without it all this machinery could not be set going. Both were found. It is impossible, indeed, to say with accuracy what the population of England had been or was at that moment. No census was taken till 1801, and all esmtiates were founded on calculations of a very loose character. Davenant, writing in 1688, who based his conclusions on the number of houses, put the population of England at some five and a half millions.[1]

It is interesting to note that the general impression till quite late in the eighteenth century was that population was decreasing, a view first definitely combated by A. Young on *a priori* grounds, based on the industrial prosperity of the country, and finally scouted by Malthus, who in 1798 developed his famous theory that population, unless controlled by positive or negative checks, which were being abandoned in England, tended to outrun the means of subsistence.[2]

The estimate of Rickman (1831)[3] that by the middle of the eighteenth century it had reached six and a half millions, an increase of a million since 1688, does not appear improbable; but all we can say with certainty is, that by the census of 1801 the population of England and Wales was found to be nearly nine millions (8,873,000, exclusive of Scotland and Ireland, total nearly fifteen millions), while by 1901 it had nearly quadrupled itself. Meanwhile, the population

[1] Political and Commercial works of C. Davenant, revised by Sir C. Whitworth, 1761, vol. ii. 184.

[2] Richard Price, Essay on Population, 1780; A. Young, Political Arithmetic, i. 90; North of England, i. 177, iv. 411; Malthus, Essay on Population.

[3] J. Rickman, Abstract of Answers and return to Pop. Act, 11 Geo. IV, Preface.

began to shift from the south and the east, which had hitherto been the industrial parts of England, to the north and west, the homes of the new industries.

Yet, had there been no capitalists to set these machines going there would have been no demand for extra labour.

It is noticeable that, with few exceptions, the earlier generation of inventors did not themselves profit much from their discoveries. Neither Hargreaves, Crompton, nor Cartwright succeeded in founding successful manufactories. Cort, who discovered the secret of turning cast iron into wrought by puddling, failed. And, if Arkwright and Watt made fortunes, the first was an exploiter of the inventions of others rather than originator, while Watt would probably never have brought his invention to perfection, or at least made it a financial success, had he not gained the financial assistance of Roebuck, and later of Matthew Boulton, men of business, the sons of manufacturers, and already rich.[1] In short, the inventor needed capital and was often deficient in those powers of organization and discipline which a great master of labour needs, and the business habits and knowledge which a competitive market requires.

Again, the circumstances of the times were favourable. Since the establishment of the Bank of England, in 1696, the whole system of credit had received a great impulse—an impulse which was increased rather than weakened by the wild speculation attending the ill-starred South Sea Bubble. Here then, was a new and a better opportunity for the capitalist, great or small, which he was not slow to seize.

With the rise of the capitalist organizer of industry the industrial classes began to be more sharply divided. The small master-craftsman who had worked with his journey-

[1] Mantoux, pp. 329, 380.

men and apprentices, and united in his own person the functions of artisan, capitalist, and organizer on a small scale, could no longer compete. He had neither capital enough nor the necessary gifts or knowledge; nor did industry on a small scale allow of the division of labour which is possible in a large manufactory. He therefore fell into the class of paid artisans, the servants of these new masters, to be followed by many of those who, whether in town or country, had supplemented their wage by small domestic industries—industries which were being destroyed by the factory system. In his place arose the capitalist *entrepreneur*—sometimes an inventor himself. More often an organizer of labour and man of commercial knowledge, he stood altogether apart from the labouring classes, and took his position beside the great merchant and the financier.

There is, indeed, nothing absolutely new in all this. Capitalism is not the product of the industrial revolution of the eighteenth century; it had existed before. Nay, capital ere this had been applied to industry, witness the great drapers of the sixteenth century and the iron-masters of Sussex,[1] while already the position of the master workman had been assailed. It is always impossible to fix an exact date for the commencement of an economical change, nor was the revolution by any means complete by the close of the eighteenth century. Nevertheless, it is very clear that from the middle of the eighteenth century the capitalist, who had hitherto chiefly devoted his attention to finance, to the buying and selling of goods, now definitely turned his attention to the making of them. In a word, the merchant prince of the past becomes, in many cases, the great manufacturer of the future, and the great army of labour depending entirely on its daily wage is definitely formed.

[1] Cf. Mantoux, pp. 10, 272, 377.

From this time forward the two movements, the industrial and the agricultural, which are indeed only two manifestations of the same scientific and commercial spirit, go hand in hand, and supplement and support one another. 'Commerce and industrial enterprise are grafted on the stock of agriculture, and the rural districts become the dependents of manufacturing and trading centres.' The growth of great industries and of commerce demanded a greater number of labourers. Population answered the call, and increased with rapidity. The increase of population demanded greater food supplies. England ceased to be self-supporting, and the price of corn rose,[1] as well as that of meal.

Under these circumstances one would have expected that more land would have been put under the plough. This, however, we have shown was not the case.

This rise in the price of articles of food naturally caused a rise of rents, while the advance of more scientific farming taught landlords the advantages to be gained from consolidating their farms. Hence the increasing desire to enclose both the common field and the waste. Hence the growing preference for farming on a large scale, which demanded a capitalist landlord and capitalist farmer.

Thus, the class of capitalist farmers grew, men whom one contemporary says were considered 'Squires,' and another that they no longer entertained their friends with a hog of their own breeding and ale of their own

[1] During 1700–55, the price had run between 26*s.* and 18*s.* the quarter. In 1757, owing to the high price, 60*s.*, free import was temporarily allowed. England ceases to export, in 1773 the Bounty was abolished and import prohibited when wheat was below 48*s.*, and an import duty of 6*d.* a quarter imposed when wheat was at or over 48*s.* The price was then 51*s.* Between 1773–93, the price varied from 33*s.* to 54*s.*, partly owing to bad seasons; during the Great War it ran between 49*s.* and 126*s.* Cf. Prothero, Pioneers, p. 244.

brewing, but must have delicate food, whose daughters play the clavecin and dress like the daughters of a duke.[1]

Just as the small craftsman was unable to compete with the great masters of industry, so the small farmer was beaten by the larger. He had neither the capital[2] nor the knowledge requisite for more intensive cultivation. He could not watch the markets nor hold back his goods when prices were low,[3] and this inability to wait, increased by the absence of good roads or communications, was peculiarly disastrous amidst the violent fluctuations to which the price of corn was subject. At the same time the domestic industries by which his family had helped him were being crushed out by the factory system, while the increasing poor rate—caused more especially by the policy of granting allowances in support of wages—threatened to beggar him. In despair he abandoned his tenancy, if he had saved a little capital, to seek a new life in town or abroad, where he had prospects of a better return than from his small farm; if not, to fall back into the class of landless labourers whose numbers had already been recruited from the cottagers. And if the engrossing of farms and the enclosures alone enabled England to take the lead in industrial supremacy, it was the growth of industry which, by giving employment to those driven from the country, alone saved England from serious riots.

The effect on the small owner, whether freeholder or copyholder, as distinguished from the small tenant-farmer, varied in different parts of England, and it is this which no doubt partly accounts for the contradictory opinions

[1] Burton, 1751; Country Farmer, Cursory remarks on Enclosures, 1786, p. 21.

[2] £5 an acre was held necessary to work a farm properly.

[3] Marshall, South. Dep., 383: 'The farmers of Surrey have so little of the impartial system of commerce that they prefer to sell their grain to an old customer at a lower price rather than desert him.'

expressed by contemporaries. In some districts they were still protected by the existence of the commonable field, which made their properties not very saleable; in some the high prices induced them not only to retain their properties but to buy. Elsewhere they found themselves in the same straits as the small farmer, and realized the truth of A. Young's statement that to farm a small property as owner instead of renting a larger one from another person was unprofitable.[1] But a good price could be got for the land, and with the purchase-money they could rent a large farm and join the ranks of the capitalist farmers who gave themselves such airs.[2] Others, with the capital thus raised, could start a new career in the colonial or industrial world. Many of the bolder and more able of them did this. Witness the names of the Peels, the Fieldens, the Arkwrights, and many others[3] who, starting from the position of yeomen, became famous manufacturers, and having made a fortune once more returned to the land no longer as yeomen but as large landowners.

This tendency on the part of the small owner to sell for the purpose of using his capital to greater profit elsewhere is well illustrated in Canada of to-day. I am informed that it is a common thing for an owner of a farm in the

[1] Quoted, Levy, p. 41. Cf. Adam Smith, Wealth of Nations, bk. iii, c. 4: 'A young man who instead of applying to trade or some profession his capital of two or three thousand pounds in purchase and cultivation of a small piece of land . . . must bid adieu for ever to all hope of . . . a great fortune.'

[2] Report Royal Commission, 1882, one witness said he much preferred being a tenant than an owner. In Cheshire I am told that it is not uncommon to-day for yeomen to let their own farms, no doubt at a high rent, and lease a farm themselves from a rich and therefore more generous landlord.

[3] Mantoux has collected the names of at least seventeen, p. 381; cf. Holt, Lancashire, who says yeomen had greatly diminished of late and gone into trade; Holland says the same of Cheshire, though he adds that their places had been taken by other small proprietors.

older and more settled parts to sell and go north-west, where land is cheap and greater profits are to be made. In a word, the opening up of the new corn district there is acting in the same way as the development of manufacture did in England in the eighteenth and nineteenth centuries.

True the small owner might, and sometimes did, cling to his little property, and meet the difficulty of want of money by mortgaging his estate. But he was on slippery ground. Nothing is so demoralizing as debt, and, if the first man who mortgaged did it to improve his farm, some one of his successors would be sure to do it for more selfish reasons—to keep up his position, and that of his daughters, if not to spend the money in reckless extravagance. In any case, the mortgage once raised, it was much more likely to be increased than to be paid off. Hence the result was the same in the end; the property was sold. And this is the real answer to the question whether the small landowner went because he wished to go or because he was obliged. Sometimes it was one, sometimes the other.[1]

Even the squire above him, that is, the owner of estates of £500 to £600 a year, was in much the same position. 'There are not,' says a writer in 1731, 'poorer men in the world than these gentlemen of small estates and large families. They are obliged to serve expensive and unprofitable offices, to be high sheriffs and justices of the peace, to their very great burthen and grievance. They have no way to raise or improve their fortunes; nor industry, nor ability can be of use to them while they continue country gentlemen. They can only preserve their estates with much difficulty, but cannot acquire new fortunes. Their properties are often entailed, and, what is worse, encumbered. If they mortgage their lands their mortgages are

[1] Froude, Short Studies, Uses of a landed Gentry; Rae, Why have Yeomen gone, Contemp. Review, 1883; Hasbach, pp. 103, 105.

likely to outlive them, whereas merchants and men in any way of commerce have often outlived their misfortunes.'[1]

On the other hand, the constant rise in the price of agricultural produce made the large farmers willing to pay high rents. Ricardo, interpreting the facts of the day, wrote his theory of Rent, and prophesied its indefinite rise.[2] Land therefore was looked upon as a good prospective investment, and was eagerly sought after by the wealthy landowner, and still more so by the successful lawyer, or manufacturer or trader. Thus, more and more, the ownership and the farming of land became divorced from one another, and the smaller owner was bought out.

The similarity between the evolution of the industrial and agricultural movements is close. As in the town the small master-workman is superseded by the capitalist manufacturer, so in the country the small farmer disappears before the capitalist farmer, while the landlord, who no longer tills his land, but looks upon it as an investment, finds his counterpart in the department of industry in the monied man who invests his money in the new enterprises. Many landowners, no doubt still continued to farm themselves, others still exercised a general control over their estates, but much of this work was done by agents, who may be compared to the paid officials of the industrial companies which had already appeared.

To these purely economical reasons we must add the social and political. In the shifting and rapidly changing society of England the ownership of land had long been considered the only stable and certain proof of position. In the

[1] Letter to a Freeholder on the Land Tax, Godwin, Political Tracts, 1731–2. Cf. A. Smith's statement, that no man can grow rich out of a small property in land, quoted p. 117, note 1.

[2] Rent doubled in the closing years of the eighteenth century. As much as forty-five years' purchase was given for land.

eighteenth century this prejudice increased. As in the Tudor times, as indeed at all times, the *nouveau riche* pressed into the land market and bought. Once possessed of a landed estate, he could, if he were a gentleman, at once take his place in county society; or, if his own manners and speech proclaimed a more humble birth, he could at least look forward to seeing his children do so.

Finally, the possession of land was the easiest way of acquiring political influence. As Justice of the Peace he would meet the old gentry on equal terms in Petty and Quarter Sessions, and take part in all measures of local interest and development, where his business habits made him in request.[1] Nay, the dignified office of high sheriff was no longer out of his reach, and if he could not at once represent his county in Parliament, his vote was at least becoming increasingly valuable by the shrinking of the list of the freeholders; while, if he chose, he could increase his influence by adding to the number of the leases for lives among his tenantry. That attempts were made to increase the numbers of those qualified to vote is proved on all sides. Porrit says that the system of creating fagot votes first appears in 1628, and thence goes on increasingly. Votes in the eighteenth century were claimed not only by purchasers of Land Tax, for judicial posts for life, by Clerks of the Peace, and for annuities, but also by holders of lectureships, schoolmasters, choristers, and even, in 1813, by the brewer, butler, bellringer, gardener, cook, organ-blower of Westminster Abbey—though these last were, indeed, subsequently disallowed by a Parliamentary Committee; for freehold pews and even freehold graves.[2] Under all these circumstances land had a value above its agricultural, and if the small landowners 'consulted their pecuniary

[1] Mantoux, p. 410.

[2] Porrit, Unreformed House of Commons, i. 22.

advantage and sold, capitalists gratified both their tastes and their speculative instincts and ambition by buying',[1] and all evidence goes to prove that it was the desire of the moneyed man to become a landowner, rather than the craving of the already large landowner to lay field to field, that led to the destruction of the small landowner.

Meanwhile, a large property once accumulated, family pride forbade its subdivision. The leaning of the law in favour of primogeniture was therefore gladly followed by wills, and strengthened a thousandfold by family settlements, a practice which apparently was not much resorted to by the yeomen, or small owners.

How far this change had progressed before the close of the nineteenth century, and the question as to the dates when the change was most rapid, we shall subsequently discuss; but it is at least certain that the small owners died hard. A great many, more than is usually supposed, survived the Napoleonic Wars; nor had the numbers of the smaller squires been as yet seriously diminished. The character was evidently well known to the novelist and playwright of the time. There were still many parishes where the common field was unenclosed and where a waste remained; nor had domestic by-industries been entirely destroyed. The famine prices during the war had kept the yeomen going, while the continued rise in rents and in the price of land had influenced all who could to stick to the land, and even to speculate, often with borrowed money, in a commodity which seemed to promise such an unlimited unearned increment.

The bad times then followed. The wars had caused inflated prices. In 1813, the price of corn had reached 126*s.* 6*d.* the quarter. In 1815, it had fallen to 65*s.* 7*d.*,

[1] Prothero, Pioneers, p. 83.

and an attempt was made to check the fall by prohibiting importation when the price was less than 80*s*. The attempt failed. The commercial crisis, which had accompanied the later years of the war and which followed it, aggravated the distress. Europe, exhausted by the long war, could not buy our manufactures, and the poverty at home reduced the demand there. War prices were gone, war taxes remained. The credit of Pitt's paper currency declined, and the return to cash payments produced the same result as a drain on gold. Thus, prices continued to fall, and were subject to violent fluctuations, partly owing to bad seasons. In 1821, the price of wheat went down as low as 36*s*.[1] In 1849, the Corn Laws were repealed. In 1851, the average price was 38*s*. 7*d*., the lowest point reached till 1884, when it fell to 35*s*. 8*d*.[2]

By this time foreign competition had begun to tell. The opening up of new lands and communications, the phenomenal cheapening of methods of cultivation and of transit falsified the prophecies of Ricardo and of Malthus. Rents fell rapidly. The increased introduction of machinery finally ruined the home industries.

Before these successive blows all those, whether yeomen or squires, who had speculated with borrowed money in land, or raised mortgages on their property to improve it or for other reasons, or who in the good times had learnt expensive habits, could no longer hold out, and had to sell. It was with difficulty, then, that any landholder could survive who had not either a very large rental or some other form of income whereby to keep his estate together.[3] Here was

[1] In 1819, the price of wheat varied from 58*s*. to 84*s*.; 1820, from 54*s*. to 81*s*.; 1821, from 36*s*. to 66*s*.; beef and mutton suffered a like fate; Prothero, Pioneers, p. 93.

[2] Prothero, p. 256.

[3] In some counties, e. g. Devon, yeomen who had done well in the

the final opportunity of the wealthy, who could now buy in a falling market—a market in which the poor man was no longer a competitor.[1] 'I bought,' said Lord Penrhyn, before the Agricultural Commission of 1881, 'as many as twenty-five to thirty small farms. People said they were in the hands of solicitors who had advanced them money, and begged me to relieve them of their holdings. I did so, but under pressure.' Some of those who sold became his tenants.

The disastrous years of 1879–80 led to much the same results. Speaking of the Isle of Axholme, the paradise of small owners, Mr. Druce, the assistant commissioner, stated that the freeholders only managed to survive because solicitors advanced money to pay interest on mortgages lest the mortgagees who had by their advice advanced money on the lands should suffer, since, if mortgagees sued the owners, they could not pay, and, if they foreclosed, the land would not at the existing prices pay for the money lent.[2]

Moreover, the tendency of late has been for pasturage once more to predominate over arable farming. In 1880, Caird estimated that the amount of corn growing had declined ten per cent. in the previous ten years, and that of the some fifty million acres under cultivation in England the proportions were these: 25 millions permanent pasture; 6½ millions grass under rotation; 6½ millions green crops; 12½ millions corn. This substitution of pasture for arable farming has not certainly abated since, and it is well known that the feeding of cattle requires much more

good times often ceased to farm, and let their lands, and either took to some other business or lived quietly on their income.

[1] Cf. Report of Committee of 1833, especially Qs. 1262, 1691, 3103, 4862, 9196, 9269, 6056, 6156, 6957, 12216; Report on Agriculture, House of Lords, 1836, Q. 505; Lord Penrhyn's evidence before Committee of 1881, p. 250.

[2] Duke of Richmond's Commission.

capital than arable farming. In a word, as Caird himself put it, England is becoming less of an arable farm, more of meadow and a market garden, while the towns are extended into the country.[1]

To what extent the small occupying owner still survives we shall consider in our next lecture. But if the causes to which we have attributed their decline are the true ones, it is difficult to believe that they can have much of a future. As market gardeners, the small owners may succeed, but will they be able to compete in the growing of cereals and the raising and feeding of cattle?[2]

But although the disappearance of the small landowner is chiefly to be attributed to natural economic and social causes, there is, it appears to me, one way in which some manorial lords have of late artificially, and of set purpose, extinguished small tenancies. I allude to their treatment of copyholds for lives and years contingent on lives, and leases for years contingent on lives, in all cases renewable.

It will be remembered that in the sixteenth and seventeenth centuries there were many instances of attempts on the part of lords of the manor to turn copyholds of inheritance into copyholds or leases for lives, attempts which in most cases succeeded, while in the eighteenth century leases for lives were probably created to increase the number of the voters. In the nineteenth century the copyholder of inheritance was too well protected by the Law Courts to be thus dealt with, but it is otherwise with the other tenancies.

Between copyholds for lives and leases for lives there is now little difference. They are commonly granted for three lives, with a right of renewal, that is, of putting in

[1] Caird, The Landed Interest.

[2] Caird, High Farming the best substitute for Protection.

a new life or lives before the expiration of the existing lives, on payment of a fine. With regard to this right of renewal, however, the Law Courts have decided that a copyholder can only claim so to do, if he can prove a constant usage of renewal upon payment of a fixed fine (a reasonable fine will not suffice), while a leaseholder for life must, if he wishes to renew, have given notice at the proper time and prove that the lord has covenanted in *express* terms so to do.[1]

So again, with regard to copyholds and leases for years, these were generally for twenty-one years, renewable every seven years on payment of a fine. The copyholder held this right by usage of the manor, while the leaseholder was not so protected.

Now, many lords of the manor, and among them more especially our Colleges and other corporate bodies, have of late persistently refused to renew either copyholds for lives, leases for lives, or copyholds for years and leases for years. In the case of the leaseholds, whether for lives or years, the lords were apparently exercising their legal right, although at other times and in other countries like Ireland, the custom of renewal long exercised in the past by the leaseholders for lives or years, might have ripened into a tenant-right.

In the case of the copyholds my point seems to me a stronger one. The copyholder, whether for lives or for years, was protected by constant usage. But this was difficult to prove. In some cases, indeed, the tenants themselves were unwilling to renew.[2] A fine had to be paid, and as this was often a heavy one—generally seven times the annual value of the land—the sitting tenant, who

[1] Cf. Elton and Mackay, Copyholds.

[2] Cf. case of Stratton and Grindstone in Dorset, Slater, Enclosures, p. 19.

as a copyholder or as leaseholder would be only paying a nominal rent,[1] was tempted to barter away his right and thus escape the fine. He might beggar his descendants, but he would benefit himself.

Moreover, as it was usually the custom to insure the lives, the sitting tenant would directly benefit by non-renewal. If he allowed the copyhold or lease for lives to run out he would only have to pay a small rent, and, as the lives died out, he would obtain a substantial sum from the insurance office. No doubt he might sometimes be hoist with his own petard. Of this I have been given an amusing illustration. A copyholder for lives, being allowed to renew, put in a young life, a most respectable person, and insured his life to the value of the property, to protect himself in case the young man should die. Shortly after the young man took to drink and disappeared. The copyholder was now in sad straits. The office would not pay the insurance till his death was proved, yet premiums had to be paid lest he should reappear. No new life could be put in, and the lord could at any time demand production of the fresh life, and forfeiture would ensue, forfeiture which in any case would follow on the death of the sitting tenant.

This story, which is a true one, will show that the advantages to the copyholder of renewal were sometimes doubtful. Nevertheless, in most cases the refusal has come from the side of the lord. I am told that, although now and then these copyholders and leaseholders for lives have grumbled, there has not been one case in which they have thought it worth while to appeal to law. In this way such tenures, as well as beneficiary leases, are fast disappearing.

[1] If he were a holder of a beneficiary lease the rent would generally be a very low one.

It seems very clear to me that in all these cases some injury has been done to the tenants. In the case of the copyholders at least, they would I believe in earlier days have been protected by the custom of the manor, a custom which, it should be remembered, would have been interpreted by their fellows who were suitors to the court, and probably interpreted in their favour.[1]

[1] 'They were very common in Wiltshire where they are called Bastard copyholds. But of late landlords have refused to renew.'

In the manor of Gamlingay, Merton College turned a copyhold for lives into a lease for years in 1756, in 1832 the College refused to renew; in the manor of Cuxham the College has lately refused to renew two out of five copyholds for lives; in the three other manors the College in 1889 refused to renew fourteen copyholds for years, cf. Merton College Index to Register Copyholds.

Magdalen and Corpus Christi Colleges have pursued a like policy.

We find cases of copyholds for lives being turned into leaseholds for lives on the priory lands in Durham, and in the seventeenth century a refusal of the Dean and Chapter to renew; cf. Victoria County Hist.: Durham, vol. ii, pp. 228, 230.

Lawrence in his Duty of a Steward (1727) advises lords to substitute leaseholds for lives for copyholds for lives, no doubt with the object of subsequently refusing to renew, p. 59.

# VII

## EVIDENCES AS TO EXACT DATES WHEN THE SMALL LANDOWNER DECLINED

We have stated that the consolidation of landed property and the disappearance of the small landowner progressed with rapid strides from the close of the seventeenth century onwards, and have dealt with theories as to the causes of that momentous phenomenon. We have now to attempt an inquiry as to the exact dates during that period when the movement was most pronounced.

The evidence on this point is twofold: the statements of contemporary authorities and such statistics as we may have. That afforded by contemporary authorities must be accepted with caution. Few contemporary writers possess that calm judgement which is necessary for an impartial estimate. They are under the influence of prejudice and often see what they wish to see. Fewer have a complete knowledge of the whole country, and these are prone to imagine that the local circumstances of their own district are those of others, and thus to generalize too hastily. Thus it behoves us to test their statements by reference to statistics. But here again we must beware. Anything, it has been said, may be proved by statistics even when they are complete, which unfortunately is not always the case.

I have already said that from early Stuart times to the middle of the eighteenth century we have at present little data, and even after that date I at first despaired of much success. I began by approaching the great landowners of

to-day. But although my inquiries were answered with the greatest courtesy, and I did obtain some interesting information, I was more often met either with a naïve assertion from each individual that neither he nor his ancestors had been guilty of the sin of Ahab, or by a frank acknowledgement of total ignorance on the subject. Their title-deeds, they said, were lying either at their solicitors' or stowed away in their ancestral mansions. I was at liberty to consult them, but they had not the time themselves to pursue the inquiry, nor in these evil days of heavy taxation and death duties the wherewithal to meet the expense of having the search made for them. Clearly, with the limited time at my disposal, a personal search was out of the question.

Suddenly the idea occurred to me that the Land Tax assessments might help me. Finding that these assessments were in the hands of the Clerks of the Peace, or the Clerks to the County Councils, up to 1832, and then in the hands of Clerks to the Commissioners of the Land Tax, I sent a circular-letter to all the English counties. I once more met with the greatest cordiality, except from the county of Essex, whence I was informed that the county records were not open to inspection, and, in spite of my applying to the Lord Lieutenant, and then, by his direction, to the Chairman of the County Council, I have not as yet obtained the necessary leave.

Elsewhere, however, I discovered that I had hit upon a perfect mine of evidence, evidence which as far as I know has never been made use of.[1] It is true that these returns

[1] The origin of the Land Tax is to be found in the monthly assessments raised by the Long Parliament during the Civil War. These assessments were continued after the Restoration in the Property Tax, a tax of 4*s.* in the pound on the annual value of land, personal property, and on official salaries. Until 1692, periodical assessments were made, then, owing to the difficulty of such assessments, the Acts 9-10 and 10-11 William and Mary declared that a tax of 1*s.* in the

present considerable difficulties. In some counties they are to be found as early as 1746, in some not till much later, in some there are serious gaps. Some, and especially many of the earlier ones, do not distinguish between owners and occupiers. Nor are the returns always uniform. In some the annual value, in some the actual amount of the tax paid, is taken as the basis of the return. Sometimes both

pound should be taken to represent a fixed sum—£1,484,015 1*s.* 11¾*d.*, and that the quota to be paid by each district should be the same as it had been in 1692, the date of the last assessment. The quotas thus apportioned were very unequal, because the basis of assessment was that fixed by the Long Parliament when the burden of the tax fell on those counties which supported the parliamentary cause; thus the quotas of London and Middlesex are the highest, those of the Northern counties and the West the lowest.

From that date till 1798 the tax was granted annually at varying rates from 1*s.* to 4*s.* in the pound. Then Pitt made it perpetual at 4*s.* while he allowed it to be redeemed at fifteen years' purchase. Meanwhile, by Will. & Mary 9-10, 10-11, the tax on personal property, which had fallen into disuse, had been made a separate tax annually granted, but it produced so little owing to the difficulty of assessment that it was repealed in 1733, while that on offices lasted till 1876. Cf. Bourdon, Land Tax.

The Land Tax assessments exist for the following counties:—

| | | | |
|---|---|---|---|
| Berks., late. | | Kent, since 1744 (a few as early as 1682). | |
| Bucks., late. | | | |
| Cambridge ... ... | since 1829 | Lancaster ... ... | since 1781 |
| Chester ... ... | ,, 1780 | Leicester ... ... | ,, 1773 |
| Cornwall ... ... | ,, 1770 | Lincoln ... ... | ,, 1758 |
| Cumberland ... | ,, 1852 | Norfolk ... ... | ,, 1767 |
| Derby ... ... | ,, 1778 | Northampton ... | ,, 1746 |
| Devon ... ... | ,, 1780 | Oxon. ... ... | ,, 1760 |
| Dorset ... ... | ,, — | Somerset ... ... | ,, 1766 |
| Durham, not till late. | | Stafford ... ... | ,, 1792 |
| Essex ... ... | since 1773 | Suffolk ... ... | ,, 1785 |
| Gloucester ... ... | ,, 1775 | Surrey ... ... | ,, 1780 |
| Hants, very late, earlier ones destroyed. | | Sussex ... ... | ,, — |
| | | Warwick ... ... | ,, 1774 |
| Hereford, since 1802 (a few as early as 1777). | | Westmoreland ... | ,, 1790 |
| | | Wilts. ... ... | ,, 1780 |

From the other counties I have received no information.

are given. Sometimes apparently an idle assessor would only assess holdings sufficient to provide for the quota. Moreover, as we know, the tax varied between 1*s.* and 4*s.* in the £ until the year 1798, when William Pitt made it perpetual at 4*s.*, allowing landowners henceforth to redeem the tax at fifteen years' purchase, and from that date sometimes the lands exonerated are omitted from the returns. There are therefore numerous traps spread for the unwary or careless statistician.

Nevertheless, of the importance of these assessments there can be no question, not only as evidence on the question before us but on many questions dealing with land. They give us the surnames and Christian names of every one owning or occupying land and even cottages, and the amount of each person's assessments or of the annual value of his holding. We can therefore by their help trace the continuous life of a parish up to this very year of grace. We can learn from them whether farms were being consolidated or whether they were being broken up into smaller ones, whether the numbers of owners wax or wane. We can trace the building up of large estates and their dispersion. Even the family historian can obtain great assistance. We can see how long the same family continued either as landowners or as farmers, and whether they shifted from the position of owner to that of tenant, and vice versa. Nay, we can often fix the date of a man's death and whether he left a widow or children in possession, or whether his lands fell into the hands of trustees.

I have said enough I trust to draw attention to the value of these documents, and I intend to urge local authorities to jealously preserve them in the future, and all antiquarian and historical societies to have them published if possible. Here at least is a new field for the future researcher which is, as far as I know, quite untrodden ground.

My own researches have unfortunately been very limited, of the 15,000 odd parishes in England I have only been able to analyse, or to have analysed for me, some 500, distributed as follows[1]: 301 parishes from Oxfordshire; 50 from Wiltshire; 40 from Norfolk; 10 from Gloucestershire; 3 from Hants, 4 from Sussex; 40 from Kent; 27 from Hereford; 24 from Lancashire, as well as evidence from half a dozen landowners in Yorkshire, Wiltshire, and a Midland county.

From these I have drawn the following conclusions: First, that there was a very remarkable consolidation of estates and a shrinking in the number of the smaller owners somewhere between the beginning of the seventeenth century and the year 1785, more especially in the Midland counties. Thus, in comparing the Tudor or early Stuart surveys of twenty-four Oxfordshire parishes with the Land Tax assessments of 1785 given in the table below, we find that, while in the earlier period there were 482 freeholders or copyholders, or tenants for lives, who possessed of land less than 100 acres—and who therefore, in all probability, for the most part cultivated it themselves—and who together held a total acreage of 13,674 acres, or an average of 28 acres each, these had by 1785 shrunk to 212 owners and occupiers with a total acreage of 4,494 acres, or an average of 21 acres each. That is to say, they had diminished by more than half in number, and the acreage by more than two-thirds.

Again, out of ten Gloucestershire parishes, the respective positions in the seventeenth century and in 1782 or 1785 were: seventeenth century, 229 owning and occupying 6,458 acres; 1782–5, 80 owning and occupying 1,104 acres.

[1] Many of these were for many reasons useless—and the actual number which I have been able to tabulate is much less.

Here the number has decreased to nearly one-third, and the acreage to less than one-fifth.

I.

| Surveys—Sixteenth, Seventeenth Centuries. | | | | Assessment 1782-5. | |
|---|---|---|---|---|---|
| | *No. of Parishes.* | *Holding under 100 acres.* | *Total acreage.* | *No. of Owners occupying.* | *Total acreage.* |
| Oxford | 24 | 482 | 13,674 | 212 | 4,494 |
| Gloucester | 10 | 229 | 6,458 | 80 | 1,104 |

*Note.* In analysing these surveys, the Demesne has been excluded because this was leased. Also all outside the Demesne who held more than 100 acres, because they would probably not be farming their own land. Of course the occupying owner of the seventeenth century has not in all cases lost the land in the eighteenth century, but he has ceased to farm it.

Passing to the next table (II), dealing with fifteen parishes taken from various counties, we find that, according to the surveys from Henry VIII's reign to the year 1704, there were 472 freeholders or copyholders, and 59 cottagers, whereas before or by 1786 the number of owners occupying had fallen to 92 and 35 cottagers, and the number of owners to 225, besides 41 who owned cottages, and 13 who might be either owners only or occupiers as well. This would make a grand total of 330—or, including Lord Leicester, who possessed most of eight parishes, of 331 owners above six acres, and 76 owning cottages.

And now to come to Table III. Here you will see that in 1785, there were in Oxfordshire alone, out of some 301 parishes, no less than 96 in which there were no owners occupying at all; and 75 in which the number was less than 6.

In Wiltshire, in 1780, out of 50 parishes, 4 with no owners who occupied their lands, and 17 in which the number was under 6.

| | By Surveys. | | By Land Tax Assessments. | | |
|---|---|---|---|---|---|
| | *Date of Survey.* | *Freeholders and Copyholders excluding Lord of Manor.* | *Date of Assessment.* | *Owners.* | *Owners Occupying.* |
| *Norfolk.* | | | | | |
| Coke (Ld. Leicester) Manors | H. VIII Eliz. | 208 + 27 Cottagers | 1772–86 | 97, excluding Ld. Leicester | 25 |
| *Sussex.* | | | | | |
| Westbourne . | 1640 | 151 + 32 Cottagers | 1780 | 70 + 36 Cottages | 48 + 35 Cottagers |
| *Kent.* | | | | | |
| Guston . . . | 1610 | 14 | 1753 | 5 + 2 Cottages | 0 |
| *Wilts.* | | | | | |
| Nettleton . . | H. VIII | 34 | 1780 | 17 | 11 |
| Winterborne-Monckton . . | | 12 | 1772 | 14 + 1 Cottage | 0 |
| *Hants.* | | | | | |
| Niton . . . | Jac. I | 20 | 1772 | 15 + 2 Cottages | 5 |
| Thorley . . . | | 14 | 1772 | 7 | 3 |
| *Leicester.* | | | | | |
| Queensborough | 1704 | 19 | 1772 | 13, but Owners and Owners occupying not distinguished | |
| Total . . . | | 472 + 59 Cottagers | | 225 + 41 Cottages and 13 doubtful, or 330 who owned land above 6 acres and 76 below 6 acres | 92 + 35 Cottagers |

Here all those holding land elsewhere than on the Demesne are included in the Surveys, and in the Assessments, owners who do not farm their land and those who do.

In Kent, in 1753, out of 40 parishes, 10 with no owners occupying, and 13 in which the number was under 6.

In Hants, in 1772, out of 3 parishes, 2 in which the number was under 6.

In Norfolk and in Lancashire the percentage of these denuded or partially denuded parishes is smaller. In Norfolk, in 1712, out of 25 parishes, 2 in which there were no owners occupying, 7 in which the number was under 6.

In Lancashire, in 1781, out of 24 parishes, none where there were no owners occupying; five in which the number was under 6.

III.

| | *Date of Assessment.* | *Out of Parishes.* | *Number in which there are no Owners who occupy.* | *Number in which there are not more than 5 Owners who occupy.* |
|---|---|---|---|---|
| Oxford . . . | 1785 | 301 | 96 | 75 |
| Wilts. . . . | 1780 | 50 | 4 | 17 |
| Kent . . . . | 1753 | 40 | 10 | 13 |
| Hants . . . . | 1772 | 3 | 0 | 2 |
| Norfolk . . . | 1772 | 25 | 2 | 7 |
| Lancashire . . | 1781 | 24 | 0 | 5 |

But further, there is some evidence, not indeed so conclusive as I should wish, that the really critical period was somewhere after 1688. Thus, you will see that in the case of Queensborough, Table II, there has been a decrease of at least 6 in 30 years (19 to 13), and several of the owners of 1772, who do not occupy, may well have purchased lands on the demesne; whereas the demesne is not included in the survey of 1704.

This opinion is further confirmed by referring to Table IV. Here, in 8 Oxford parishes, the number of landowners has, between 1760 and 1785, been reduced from 69 to 41, or 3 per parish in 25 years.

IV.

| | | | |
|---|---|---|---|
| Oxford . . . | 1760 | Parishes 8 | 69 Landowners |
| ,, . . . | 1785 | ,, 8 | 41 ,, |

Lastly, in one Northumberland manor, the names remained unchanged till 1755 and then disappear.[1]

I may also add, as is seen by Table V, that it is during the period 1720-85 that three of my great landowners, *A*, *D*, *F*, made their largest acquisitions.

How far enclosure during this period is followed at once by consolidation it is difficult to say. Few of the Land Tax returns are to be found much before 1780, and, of those that exist, fewer distinguish between those who own only and those who occupy as well as own. Nevertheless, the 8 Oxford parishes given in Table IV, and in which there is certainly a considerable shrinking in owners, were all enclosed between 1760 and 1785.

These conclusions are supported by a very general consensus of opinion among contemporaries that the closing years of the seventeenth century and the first fifty years of the eighteenth century were fatal to the small owner. Thus, Roger North, in his Life of Lord Keeper Guildford (1676), says that 'most manors are more than half lost', and urges repopulation.[2] Thoroton (1677) declares that 'this prevailing mischief (enclosure) in some parts of this shire (Nottingham) hath taken away and destroyed more private families of good account than time itself within the compass of my observations', and that only a few have escaped.[3] John Cowper (1732) asserts that within his knowledge 'twenty parishes have been enclosed and in a manner depopulated', and that in some parishes '120 families of farmers and cottagers have, in a few years, been reduced to 4, 2, aye sometimes 1 family', and predicts

[1] Hist. of Northumberland, iv. 266.

[2] Roger North, Life of Lord Guildford, ed. 1742, p. 23.

[3] Thoroton, Nottingham, Preface.

V. ACQUISITIONS BY LANDED PROPRIETORS.

| | 1630–60 | 1660–1720 | 1720–50 | 1750–85 | 1785–1804 | 1804–32 | 1832–62 | 1862–1907 |
|---|---|---|---|---|---|---|---|---|
| *A* in North . | 2 Manors | 1 Manor | 3 Manors | 1 Manor | 1 Manor | 1 Manor | | |
| *B* in North . | | | | | | 1 very large Estate. built up between 1808–40 | | |
| *C* in North . | | | | | 1 Manor | 4 from large owners, 1 from small squire, 23 from small owners | 1 Manor, 9 from squires, 56 from small owners | |
| *D* in Midlands | | | 10,539 acres | 7 large Properties, 7 small 5,841 acres | 1 Estate 2,473 acres | 10 Estates 1,388 acres | 8,563 acres | 7,395 acres |
| *E* in West. . | | 1 Manor | 1 Manor | | 3 Parcels | 3 Parcels | 32 large houses | 13 (4 from squires, 9 from small owners) |
| *F* in Norfolk . | | 500 acres | 5,000 acres | 25,000 acres | | | | |

that if enclosing continues we may expect to see all great estates engrossed in a few hands.[1] Massie, writing in 1758, speaks of the monopoly of farms of one to 600 acres in 14 counties: Lincoln, Notts., Leicester, Rutland, Warwick, Worcester, Northampton, Bedford, Bucks., Oxon., Berks., Isle of Wight, Herts., Cambridge—the counties especially mentioned in the statute 27 Henry VIII with regard to enclosures.[2] Roger North, in his Discourse of the Poor, 1753, tells us of the 'vast number of small parchments, deeds, being feoffment and releases to houses, cottages, tenements, and small scattered pieces of land (which one may find among the archives of the chief landowners), where now perhaps only lives one shepherd or farmer under a single proprietor'.[3] Addington, writing in 1767, says it is not uncommon to find 5 or 6 farmers where once there were 30 or 40, though this refers to consolidation of farms rather than to ownership.[4]

So again, Howlett, though an apologist for enclosure, admits that between 1740 and 1788, 4 or 5 on an average were absorbed in each parish, which, if it were true of all England, would amount to some 40,000 to 50,000,[5] while A. Young (1773) deplores their disappearance: their lands are now in the hands of big men,[6] and it is surely significant that Goldsmith's Deserted Village was written in 1770. Finally, Sir T. Bunbury says that the yeomanry, once the pride of the nation, were, by influx of riches and change of manners, nearly annihilated in 1750.[7]

[1] J. Cowper, Enclosing contrary to interest of Nation, quoted by Slater, Enclosures, p. 110.

[2] J. Massie, Plea for Charity Houses, p. 83.

[3] Quoted, Transactions Royal Hist. Soc., xix. 120.

[4] S. Addington, Enquiry into reasons, p. 38; Lévy, Entstehung des landwirthschaftl. Grossbetriebes, p. 37, and authorities quoted.

[5] T. Howlett, Insufficiency of causes to which increase of poor rates has been attributed, p. 42.

[6] Quoted, Mantoux, p. 126.

[7] Cf. Dict. of Pol. Econ., Article Yeomanry.

Indeed, only three authorities that I have come across tell a different tale. Defoe, writing in 1724, speaks in the well-known passage of '1,400 or 1,500 freeholders about Canterbury alone, who, for the plainness of their appearance, are called the grey coats of Kent, but are so considerable that whoever they vote for is sure to carry the election'.[1] An anonymous writer in 1733 says that the number of freeholders must be much less than 400,000.[2] Horner, on Enclosures, 1766, declares there is scarce any county in which the numbers of the freeholders do not turn out upon an election more considerable than formerly.[3] All these, however, are loose statements, and besides, freeholders might be increased by enfranchising copyholds, or by substituting leases for lives, or by the numerous methods for creating fancy franchises already mentioned.[4]

When, however, we pass to the next period, that is from 1785 to 1802, the returns from the assessments do not, as far as they go, give the expected answer. If we are to believe the statement of many authorities that consolidation always followed rapidly on enclosure, and that it also accompanied the industrial revolution, this period should be marked by a great decline in the number both of owners and occupiers. This was the opinion of A. Toynbee in his Industrial Revolution, an opinion repeated by Mantoux, who calls the close of the eighteenth century the period of 'the agony of the yeomanry', not only in those counties where great industries arose, but in purely agricultural counties as well.[5]

[1] Defoe, Tour, vol. i, Letter ii, 38.

[2] Godwin, Pol. Tracts, Bodl. Lib. 1154, p. 28.

[3] Horner, Essay on Enclosures, p. 15.

[4] Porrit, Unreformed Parliament, p. 22.

[5] Mantoux, La Révolution industrielle, p. 129. He gives references to authorities for Warwickshire, Hertford, and Lancashire; see also Lévy, Entstehung des landwirthschaftl. Grossbetriebes, p. 62.

Such, however, is by no means universally the case, nay, it is rather the other way. Indeed, as I began the task of summarizing the results of my returns I was forcibly reminded of Sheridan's remark to Fox, 'these d——d facts are knocking the bottom out of my motion.' Thus, in Table VI, for 21 Oxfordshire parishes, though there is, between the years 1772–1802, a decline in the total number of owners holding over 6 acres (219 to 203, i. e. 16), and of those owning and occupying under 6 acres (38–36, i. e. 2), there is a rise in the number of those who own and occupy above 6 acres, from 68 to 76 (i. e. an increase of 8), as well as in the number of those who *own* below 6 acres (4 to 33).

Again, if you will look at Table VIII you will see that in the 295 Oxfordshire parishes the number of owners and occupiers increases from 1133 to 1179, as well as the acreage they occupy.

Now, turning to Wilts. (Table VII), we find during the same period in 46 parishes a decrease in the number of those who own both above and below 6 acres—593 to 574 and 259 to 241; but a slight increase, 172 to 178, of those who own and occupy above 6 acres.

In Kent (Table X) in 37 parishes a decrease in number of owners between 1753–98, but a very striking increase in the number of occupying owners (137 to 459) of those owning over 6 acres, and of 87–123 in those owning less.

In these three counties, Oxfordshire, Wilts., and Kent, therefore, the tendency is for owners who do not farm their own lands to decrease, but for owners farming their lands to increase, and this conclusion is supported by Tables XV, XVI, and XVII, which deal with owners only, and here it is noticeable that the large owners appear to add to their properties at the expense of smaller owners who do not occupy, rather than of those who do.

Lancashire, however, does show an instructive variation. There, as shown in Table XI, there is a very considerable decrease in the numbers of both classes of owners. The explanation of this is no doubt to be looked for in the geographical position of the county. Including some of the great manufacturing towns, it felt the influence of the industrial revolution far earlier than the three counties above mentioned. Unfortunately, the early assessments for the West Riding of Yorkshire have not been preserved. It would have been most interesting to learn whether, as we should expect, they told the same tale.

This evidence again receives most satisfactory confirmation from contemporary authorities. Thus Holt, in his general view of the agriculture of the county of Lancaster, 1795, says that 'while property has become more minutely divided since the introduction of manufactures, yet the yeomanry, formerly numerous, have greatly diminished of late . . . the greater wealth which has in many instances been acquired by some of their neighbours, and probably heretofore their dependants, has offered sufficient temptation to venture their property in trade, in order that they might keep pace with these fortunate adventurers', and that the farmers who have mostly sprung from the industrious labourers place their children in the manufacturing line.[1] This is also supplemented by the account of Cheshire, where Aikin, 1795, tells us that the old yeomen have disappeared, a number of small farms having been bought by manufacturers of cotton, though apparently this meant a change of personnel, not a consolidation of holdings.[2]

[1] Holt, Lancaster, c. 11, p. 13.

[2] Aikin, Manchester, pp. 43, 44; Holland, Cheshire, 1808, quoted Contemporary Review, pp. 145–55.

On the other hand Gooch, in his Agriculture of Oxford, mentions many small proprietors, particularly in the open fields,[1] and Mayor, writing in 1808, says one-third of the county of Berks. is occupied by proprietors. Boys, speaking of Kent in 1803, declares that the number of yeomanry seems annually on the increase, by the estates which are divided and sold by the occupiers, and adds that, of ten farms which were in the hands of tenants in 1771 nine were by 1803 owned by their occupiers, two of whom were old tenants. He further declares that no description of persons can afford to give so much money for land as those who buy it for their own occupation,[2] a statement which is, I daresay, correct enough if he means that an owner who tills his own land can get a greater return from it than one who lets it.

Marshall, 1790, also draws attention to this characteristic of the Kentish yeoman, who bought land when farming was profitable. But when he goes on to contrast the conduct of the Norfolk yeoman and to declare 'that many, seeing men whom they lately held their inferiors raised by an excessive profit which had been recently made by farming, became dissatisfied with the homeliness of their situation and sold their comparatively small patrimonies in order that they might—agreeably with the fashion or frenzy of the day—become great farmers', I regret to say that my *evidence*, so far as it goes, does not support him. For in Table XII you will see that between 1792–1814 the numbers of the yeomen are nearly doubled, though there is a decrease in the number of owners who are letting their farms. However, these Norfolk statistics are not very complete. They come only from thirteen parishes—there are 736 in Norfolk; and besides, you see that the period

[1] Rae, Contemporary Review, 1883, p. 551; cf. also Tuke, N. Riding electors, p. 28.

[2] Boys, Kent, p. 27, quoted Contemporary Review, 44, p. 549.

from which my returns are drawn does not begin till 1792, and runs on to 1814.

I have not obtained any contemporary confirmation of my statistics from Wilts.,[1] but W. Rae,[2] in an article in the Contemporary Review some years ago, pointed out that if we can trust contemporary authorities there is very good reason to believe that the small owner still survived in very considerable numbers in the Midland counties and in parts of Yorkshire, as is attested by Marshall, a very competent and careful authority. Marshall, also speaking of the Midlands in 1790, mentions 'a species of frenzy, terramania, forty years' purchase being often given by small owners', whereas elsewhere, where the farmers were tenants, the price was not nearly so high, and he says much the same of the vale of Pickering in Yorkshire.[3] To these counties mentioned by Marshall, which lie for the most part removed from the great industrial centres and were therefore not likely to feel the influence of the development of manufacture so early or so acutely, we should add Essex, of which A. Young says in 1802 as Boys said of Kent, 'Never was there a greater proportion of small and moderate-sized farms, the property of mere farmers, than at present. Such has been the prosperous state of agriculture for twenty or thirty years past, that scarce an estate is sold, if divided into lots of £40 or £50 to

[1] Marshall says of N. Wilts. that the yeomen are inconsiderable, and that the tenancies are mostly at will or on twenty-one years' lease: Rural Economy.

[2] Cf. Rae, Why have Yeomen perished, Contemporary, Oct. 1883.

[3] The counties mentioned by Marshall are—Cumberland, Westmoreland, Yorks. (parts of), Staffordshire, Shropshire, Gloucester, Northampton, Notts., Oxford, Berks., Devon, Kent, Surrey, Lincoln. See Marshall: N. Dep., 172, 182, 218, 231, 269, 355; Mid. Dep., 33, 158, 339, 451; E. Dep., 102; S. Dep., 79, 395, 417, 483, 553; W. Dep., 438. For Berks. and Shropshire cf. also Mayor, Berks., 113; Plymly, Shropshire (1803), 91; for Lincoln, Slater, p. 52; for Cumberland, Bailey and Culley, Report, 1787.

£200 a year but is purchased by farmers, who can certainly give more for them than almost any other person, as they turn them to the highest advantage by their own cultivation.'[1]

Of Westmoreland I am informed that it was a common practice for younger sons who had returned with fortunes made in trade (in India or the colonies) to invest their savings in land, which was then handed over to the head of the family. He then by agreement proceeded to execute an ordinary family settlement, by which the newly acquired property was settled on himself and his heirs in tail, charges on the estate being by the same deed made for the benefit of these Jacobs. By this means the nominal holding of the family was increased, while a large part of the proceeds was settled on the younger sons.[2]

Thus the conclusion to which all evidence that we have points is that, during the period 1785 to 1802, there was an increase rather than a decrease of the yeomen proper in all parts of England, except those like Lancashire which were more directly and rapidly affected by the industrial revolution, and that, if there was consolidation of property among owners who did not farm their lands, this was rather at the expense of other owners or squires than of yeomen.[3] The reasons for this increase of yeomen I have already suggested. The years were good, and the small occupying owners were tempted to hold on and even to increase the size of their properties, although such a policy often involved them in debt.

When we pass to the next period, that is from 1802 to

[1] Young, Essex, p. 23, quoted Contemporary, 44, p. 548.

[2] Wordsworth attributes the later decline of Westmoreland to the destruction of the smaller domestic industries: Description of the Lakes, ed. 1822, pp. 63, 100.

[3] H. Beeke, Observations on Income Tax, p 21, says there were, in 1800, 200,000 proprietors in England.

1832, there is a different tale to tell. In the 21 Oxfordshire parishes (Table VI) there is decrease all round: of owners holding over 6 acres, 203 to 191 (i. e. 12), and of those holding under 6 acres, 33 to 31 (i. e. 2); of occupying owners over 6 acres, 76 to 59 (i. e. 17); and of those occupying under 6 acres, 36 to 27 (or 9); and in other 295 parishes (Table VIII) a decrease of 177 (1,179 to 1,002) in the numbers of owners occupying, although the acreage held by them is increased.

In the 46 Wiltshire parishes (Table VII) there is a notable decrease of owners holding over 6 acres, 574 to 490; and a small one of owners occupying over 6 acres, 178 to 169; although there is a large increase of owners holding under 6 acres: 241 to 290.

In the Kent parishes (Table X) the returns are very similar.

In Lancashire (Table XI) a decrease all round.

In Hereford (Table XVII), for which we now have returns for 27 parishes, again a decrease both in numbers of owners not occuping and in owners occupying above 6 acres, although a slight increase in the number of those who hold less than 6 acres.

During the ensuing thirty years—1832 to 1862—the fall still continues in Oxfordshire, Wiltshire, Lancashire, Herefordshire, Kent, and Norfolk, so far as yeomen are concerned, although there is an increase in the numbers of owners, but this is probably to be accounted for by the growth of populous villages. It will also be observed that of my 5 large proprietors, 3 made considerable acquisitions during this period.[1]

Between 1862 and 1892, we note in Oxfordshire an

[1] Tables: Oxon., VI, VIII, IX; Wilts., VII; Hereford, XVII; Kent, X; Norfolk, XIII. Cf. p. 150 ff.
Table V, p. 137.

increase in the number of owners, but a decrease in the number of yeomen, in Kent, in Herefordshire, and in Lancashire a fall in the number of owners and a rise in the number of those who occupy; in Wiltshire a rise, and in Norfolk a slight fall in both.[1]

The story of the sixty years from 1832 to 1892 would lead us to the conclusion that as a general rule the small occupying owner is more affected by hard times than by good. It is often said that he eagerly sold his land in the good times and took to trade or manufacture. No doubt this did to an extent occur. But, as a rule, the small cultivator in England, as in France, is not a man of much enterprise or ambition. He clings to his old home and to his ancestral occupation, and if he is prosperous he will probably prefer to put his savings into more land or adopt a higher style of living. Unfortunately, he is not often adverse to borrowing, and the mortgage has ever been the curse of the small owner; more sold in the bad times because they were obliged, and though they sold at a loss, than in the good times when they could have sold at a profit.

One more remark I should like to make. From a somewhat careful inquiry into the relation of enclosure to consolidation, while I do not deny that enclosure, both of common field and of waste, did facilitate consolidation[2] and was sometimes advocated for that very purpose, I have come to the conclusion that it was not *necessarily* followed by an absorption of small holdings. Whether it was so or not depended on whether the *moment of* enclosure was one

[1] Tables: Oxon., VI, IX; Kent, X; Herefordshire, XVII; Lancashire, XI; Wilts., VII; Norfolk, XII.

[2] Miss Leonard, Transactions Royal Hist. Soc., xix. 121, says, that at the opening of the nineteenth century we find fewer properties and larger farms in enclosed than in unenclosed parishes, and quotes Marshall, Midlands, pp. 206, 250, 348.

of consolidation or the local circumstances favourable. Thus, during the period up to about 1785 enclosures were often followed by that result, but in the ensuing period, 1785–1804, it certainly was not generally the case. It is also worth noting that Kent, where there were certainly no common fields in 1803, and where there probably were never many, is one of the favourite haunts of the small owner.

After the year 1892, the worst seems to have been passed, and between this year and 1907 the returns seem to indicate a general improvement in the condition and numbers of the small landowner, though that improvement is neither universal nor great.

But, after all, I have been forced to two conclusions. First, that by far the most serious period for the small owner was at the close of the seventeenth and during the first half of the eighteenth century; in short, the period of the final transition from mediaeval to modern agricultural conditions; and secondly, that the changes since the middle of the eighteenth century have not been nearly so radical as they have been generally supposed to be.

To this opinion I have been brought by the evidence of the Land Tax assessments, which, I confess, has very much surprised me. It is true that most of my returns come from counties which were not very closely influenced by the industrial revolution, and that Lancashire, the one county of this kind of which I have returns, does appear to have been more seriously affected than others. There may have been some mistakes made in the returns, especially in failing to carefully note where one owner is separately assessed for separate properties, and thus counting him twice or even three times over, but these mistakes cannot, I think, have been frequent. I may have been unfortunate in the counties I selected, and a wider survey

might lead to different results, but certainly the limited evidence which I have collected is somewhat startling, as you will see by consulting Table XVIII, the last.[1]

You will there note that in Lancashire and Kent there has been since 1781 a decided and general decrease in all classes of landowners; but that in the three counties grouped together—Oxon., Wilts., and Hereford—of owners of over 6 acres the decrease has been not very serious, and that there is a positive increase in the number of owners and of occupiers under that acreage, while in Norfolk there has in the 13 parishes been an increase of both classes by about 1 in every parish.

Finally, these returns warn us not to exaggerate the monopoly of land in England to-day. If you will make the additions for yourselves you will find that in 151 parishes in Oxfordshire, Wiltshire, Kent, Lancashire, and Hereford there were, in 1892, 2,436 owners—that is, an average of 16 owners per parish—and that in 119 parishes in the same counties, with the exception of Kent, there were 532 owners farming their own land—that is, an average of 4½ per parish.[2] If we were to apply these numbers to the 15,000 parishes in England, that would come to some 240,000 owners in England who do not farm their own land, and some 67,500 who do.

These results correspond very closely to the New Domesday Book of 1876, and to the return of the Board of Agriculture of 1896. The New Domesday Book estimates the number of owners in England who hold from 1 acre and upwards at 260,000, and the return of 1895 puts the number of those owners who occupy their own land from 1 acre upwards at 66,700. It is true that my returns, both for owners and occupiers, in Norfolk and for occupying owners in Kent exceed those given in these two

[1] P. 154. [2] Cf. Tables VI, VII, X, XI, XVII.

estimates. Norfolk, I confess, has caused me much trouble; the returns to the Land Tax are sometimes on the amount of the actual tax paid, sometimes on the rateable value, and I regret to say that they are not very reliable. As to Kent, the explanation is to be found in the fact that the Land Tax assessments include a good many who hold less than one acre.

If, then, we turn to the Report of the Board of Agriculture, 1896,[1] we are told that there were some 66,700 yeomen farming their own land, with an acreage of nearly 3 million acres, that is about 14 per cent. of the land under cultivation in England. From the tables which follow we learn that there is not a single county where they do not hold 10 per cent., and that in 11 they hold 20 per cent. of the area in cultivation.

The important feature to notice is the variety in the percentage of each county, and it is this variety which points to the conclusion of the whole matter. The small owner has survived where the circumstances were favourable.[2] His disappearance has been due not so much to artificial as to natural circumstances, but the circumstances, political, social, and economical, have since the seventeenth century been against him The political, and to some extent the social, have altered, but the economical remain the same. The geographical position of our island, its climate, its soil, the character of its people, and the part we have played and do play in the history of the world, still lean in the same direction, and I agree with

[1] Board of Agriculture, 1896, c. 8502, table viii and following tables.

[2] The counties in which the peasant proprietor thrives best are: Lincolnshire, the Isle of Axholme, cf. Slater, p. 52; Norfolk, Kent, Essex, especially in the fruit-farms; Cumberland and Westmoreland, though they are there declining; the Vale of Evesham Gloucestershire, and Worcestershire, chiefly in the orchard district; the New Forest, Hants; Devonshire.

Mr. Prothero[1] when he says, 'Reduce population by one-half, revive domestic industries, return commons and wastes to their former barrenness, make the farmer independent of manufacture, in a word, restore the conditions of self-sufficing agriculture, and the peasant proprietor may thrive,' and then I would add Protection.

VI. OXON. : 21 PARISHES.

| Date. | *Owners' Acreage* Above 1000 | 200 | 40 | 6 | Under 6 | *Owners occupying Acreage* Above 1000 | 200 | 40 | 6 | Under 6 |
|---|---|---|---|---|---|---|---|---|---|---|
| 1772 | 5 | 32 Total 219 | 83 | 99 | 4 | | | 18 Total 68 | 50 | 38 |
| 1802 | 6 | 29 Total 203 | 80 | 88 | 33 | | 1 | 21 Total 76 | 54 | 36 |
| 1832 | 6 | 30 Total 191 | 76 | 79 | 31 | | 2 | 15 Total 59 | 42 | 27 |
| 1862 | 7 | 32 Total 173 | 56 | 78 | 36 | | 1 | 9 Total 46 | 36 | 20 |
| 1892 | 7 | 31 Total 190 | 60 | 92 | 42 | | | 12 Total 54 | 42 | 13 |
| 1907 | 8 | 27 Total 211 | 61 | 115 | 78 | | | 8 Total 36 | 28 | 28 |

VII. WILTS. : 46 PARISHES.

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1780 | | 44 Total 593 | 164 | 385 | 259 | | 11 | 50 Total 172 | 111 | 173 |
| 1802 | 3 | 48 Total 574 | 164 | 359 | 241 | | 3 | 53 Total 178 | 122 | 173 |
| 1831 | 3 | 52 Total 490 | 152 | 283 | 290 | | 9 | 56 Total 169 | 104 | 173 |
| 1862 | 7 | 52 Total 441 | 130 | 252 | 328 | 1 | 10 | 32 Total 88 | 45 | 104 |
| 1892 | 7 | 44 Total 485 | 124 | 310 | 295 | | 11 | 42 Total 121 | 68 | 118 |
| 1907 | 6 | 38 Total 481 | 115 | 322 | 335 | | 4 | 67 Total 159 | 88 | 118 |

[1] Prothero, Pioneers of English Farming, p. 140.

VIII. OXON. : 295 PARISHES. OWNERS AND OCCUPIERS.

| *Date.* | *Acres.* | *Owners occupying.* |
|---|---|---|
| 1785 | 25,540 | 1,133 |
| 1804 | 37,720 | 1,179 |
| 1832 | 47,850 | 1,002 |

Here the number of Owners occupying steadily increases up to 1804, then falls, though total acreage increases.

Out of 295 Parishes, 70 had none in 1785 and none reappear.

In 18 of these there were none in 1785, but in 1804 there were 19 holding 570 acres, and in 1832 17 holding 930 acres.

Those holding less than 2 acres have been omitted as probably owning cottages only.

IX. OXON. : 30 PARISHES INCLUDED IN THE 295, OF WHICH THERE ARE RETURNS TO 1907.

| *Date.* | *Owners occupying.* | *Acres.* |
|---|---|---|
| 1785 | 172 | 4,060 |
| 1804 | 190 | 8,430 |
| 1832 | 171 | 5,780 |
| 1862 | 161 | 4,610 |
| 1891 | 153 | 3,750 |
| 1907 | 212 | 3,160 |

7 of these Parishes have no owners occupying at all throughout the period.

X. KENT: 37 PARISHES.

| *Date.* | *Owners* | | *Owners occupying* | |
|---|---|---|---|---|
| | *above 6 acres.* | *under 6 acres.* | *above 6 acres.* | *under 6 acres.* |
| 1753 | 770 | 295 | 137 | 87 |
| 1798 | 685 | 175 | 459 | 123 |
| 1831 | 624 | 191 | 445 | 123 |
| 1862 | 633 | 249 | 246 | 121 |
| 1892 | 603 | 243 | 321 | 161 |

XI. LANCASHIRE: 25 PARISHES.

| | | | | |
|---|---|---|---|---|
| 1781 | 239 | 536 | 93 | 355 |
| 1802 | 227 | 512 | 62 | 309 |
| 1831 | 197 | 465 | 47 | 276 |
| 1862 | 321 | 373 | 32 | 46[1] |
| 1892 | 187 | 161 | 53 | 61[1] |

XII. NORFOLK: 13 PARISHES.

| *Date.* | *Owners above 1 acre.* | *Owners occupying above 1 acre.* |
|---|---|---|
| 1792 | 191 | 37 |
| 1814 | 149 | 69 |
| 1872 | 242 | 61 |
| 1892 | 206 | 56 |
| 1907 | 205 | 49 |

[1] Assessments under 3 acres neglected.

GROWTH OF LARGE ESTATES AS SHOWN BY ASSESSMENT OF LARGEST OWNER.

XIII. OXFORD.

| | 1785 | 1804 | 1832 | 1863 | 1893 | 1907 |
|---|---|---|---|---|---|---|
| Acres held by largest Owners in 26 Parishes. | 13,190 | 16,370 | 18,010 | | | |
| Acres held by largest Owner in 24 Parishes. | | | | 6,870 | 7,260 | 7,270 |
| Number of Owners in 39 Parishes. | 428 | 369 | 237 | | | |
| Average in each Parish. | 12 | 10 | 6 | | | |

It is noticeable that they increase rather at the expense of Owners than of occupying Owners.

XIV. WILTSHIRE.

| | | | | | | |
|---|---|---|---|---|---|---|
| Acres held by largest Owners in 47 Parishes. | 14,800 | 19,840 | 25,990 | 26,460 | 25,080 | |

XV. HEREFORD.

| | | | | | | |
|---|---|---|---|---|---|---|
| Acres held by largest Owners in 27 Parishes. | | 7,410 | 7,600 | 7,440 | 7,830 | |

XVI. NORTHUMBERLAND.

| | | | | | | |
|---|---|---|---|---|---|---|
| Number of Owners in 1 Parish. | 38 | 33 | 29 | 23 | | 21 |

Here again the statistics would seem to support the general theory that the 60 years between 1804–62 were disastrous to the small landowner, whether he was occupying his lands or not.

XVII. HEREFORD: 27 PARISHES.

| Date. | Owners' Acreage Above 1000 | 200 | 40 | 6 | Under 6 | Owners occupying Acreage Above 1000 | 200 | 40 | 6 | Under 6 |
|---|---|---|---|---|---|---|---|---|---|---|
| 1802 | 1 | 11 Total 164 | 43 | 109 | 123 | | 5 | 20 Total 93 | 68 | 140 |
| 1832 | 1 | 12 Total 144 | 39 | 92 | 126 | | 5 | 21 Total 84 | 58 | 168 |
| 1862 | 1 | 14 Total 99 | 30 | 54 | 117 | | 2 | 8 Total 39 | 29 | 92 |
| 1892 | 1 | 16 Total 81 | 27 | 37 | 149 | | 2 | 10 Total 54 | 42 | 58 |
| 1907 | 1 | 14 Total 120 | 32 | 73 | 127 | | 1 | 33 Total 128 | 94 | 126 |

N.B. Many of those owning or owning and occupying less than 6 acres, only own houses or cottages, and are scarcely to be considered agriculturists at all, especially when villages have become populous.

XVIII. TOTAL DECREASE OR INCREASE BETWEEN 1772–1892.

| | No. of Parishes. | Owners over 6 acres. | Owners under 6 acres. | Owners occupying over 6 acres. | Owners occupying under 6 acres. |
|---|---|---|---|---|---|
| Lancashire | 25 | Decrease 52 | Decrease 375 | Decrease 40 | Decrease doubtful, probably not less than 200 |
| Oxon. Wilts. Hereford | 124 | Decrease 210 | Increase 100 | Decrease 123 | Increase 1 |
| Kent | 37 | Decrease 167 | Decrease 52 | Increase 184 | Increase 74 |
| | | *Owners over 1 acre.* | | *Owners occupying over 1 acre.* | |
| Norfolk | 13 | Increase 14 | | Increase 12 | |

# VIII

## COMPARISON BETWEEN ENGLAND AND OTHER COUNTRIES

Those who would dispute the conclusions to which I have arrived are constantly appealing to other countries where a peasant proprietary is still to be found, and more especially to France and to Belgium. It would therefore seem appropriate that I should devote a few words to these countries, and more particularly to France.

It is sometimes said that the existence of peasant proprietorship in that country is due to the Great Revolution and to the direct and indirect influence of the rule of intestate succession laid down by the Code Napoléon, which insists, with some limitations, on equal succession. Whether such laws are of much avail unless they agree with the habits and interests of the people, is a question which has been already discussed in my first lecture, but whatever may be the true answer, the statement forgets that the peasant proprietor was well known in France before the Revolution itself,[1] and held about one quarter of the area of the country,[2] and that at a time when the law of intestate succession was the same as in England. M. Loutchisky, the latest authority on the subject, holds the opinion that there were 5,000,000 landed proprietors in France before the Revolution, and that the increase since that date, relatively to the population, has been rather

[1] Cf. Doniol, Hist. des classes rurales.

[2] A. Young puts it as high as one-third.

in the size of their properties than in the number of proprietors.[1] They still hold about one quarter of the land, and are 5,500,000 in number.[2]

Again, it is often assumed that the small owner flourishes in every part of France. This is by no means the case. He is rarely found in those parts which are the great granaries of the country, that is, in the Beauce, in the departments of Indre, Cher, Cher-et-Loir, and Loiret, nor again in the departments of the SSW. and SE.

He survives and flourishes chiefly in those districts in which the circumstances are favourable; that is to say, where 'la petite culture' is profitable. In the neighbourhood of towns, such as the department of La Seine, because of the demand for vegetables; in the lands of the vine, where much minute hand labour is required, or where labour is very dear, or where domestic industries still survive, or where the peasant can find extra work often away from home—for instance, in the department of the Tarn-et-Garonne, whence the men go elsewhere to work in harvest time, or in Auvergne, whence the men migrate in the season to the towns and even to Paris, in search of work as porters and water-carriers, while the rest of the family look after the land[3]—or again in the Morvan, whence, I was told, the wives go off to Paris to earn a little money as wet-nurses.

'There is,' says Mr. Lavergne, 'a radical difference between France and England. In the latter is to be found

[1] The book is in Russian, but a full account of it is to be found in the Revue d'histoire moderne, iii. 156, 171; cf. also Khovalesky, Revue internationale de Sociologie, ix. 489, 514; Political Science Quarterly, The Manorial System; Dec., 1908.

[2] Dumas, Econ. Journal, March, 1909, Land-system in France.

[3] Prothero, Pioneers, pp. 18, 20, 141; The pleasant land of France, Edinburgh Review, vol. 166.

the extreme simplicity, in the other the extreme variety of the (agricultural) problem,' and this, 'owing to the immense variety of soils, character, crops, races, origins, and social and economic conditions, which make an infinitely multiplied world of our apparent unity,[1] and it is this variety which gives an opportunity to the peasant proprietor.'

A. Young once said that ownership will turn a desert into gold. The worst of such phrases is that they are often made an excuse for not thinking, or for abandoning further inquiry. There is truth in the remark when the conditions exist which are essential to success, but where they do not exist the Frenchman is too shrewd to put the saying to the test. At the same time it is certain that the Frenchman has, in a pre-eminent degree, those habits of careful and parsimonious cultivation which fit 'la petite culture', and it is interesting here to be reminded of the habits of the French Canadian, whose farm rarely exceeds 50 acres, while the smallest English farm is rarely less than 100.

But, apart from these fundamental reasons, there are historical explanations to be found. The manorial system broke up much later in France than in England. In England the villein commuted his services and gained the practical, if not the legal power to leave his land much earlier than in France, where there were not many free rural landless labourers working for wages. It is true that before the Revolution the peasant had in most of France commuted his services for money payments, but he was still bound by numerous and vexatious dues, and his actions were restrained at every turn by the seignorial rights of the lord. These seignorial rights were not all abolished

[1] Lavergne, L'Économie rurale de la France, p. 3.

at the Revolution, but transferred to the Department or Commune, who continued to impose them with that love for order and public control which is an essential characteristic of Frenchmen.

The Napoleonic legislation indeed allowed the strips in the open field to be sold, exchanged, or enclosed. But if that were not done, the owner still remained subject to the 'usages locaux,' which are published every year by the Department or the Commune, and are perpetuated by the sanction of immemorial custom. To this day, therefore, in many places, the open field remains with communable rights after the harvest, known by the name of 'le droit de vaine pâture', and 'le droit de parcours'.[1]

The political conditions of the two countries should also be taken into account. In England, as we have shown, the local government was in the hands of the landowners of the county. But in France the administration was in the hands of the intendant and his delegate—representatives of the central authority, and generally strangers. These had no interest which bade them become landowners, while the French noble, who wished to make a name, knew that this could only be done in the capital itself. A. Young, in his Travels in France, is constantly reminding us that the French noble, with rare exceptions, did little for the improvement of his land, and contrasts him most unfavourably in this respect with the landowner in England. Either he neglected it altogether and used it merely for purposes of sport, while he lived on the dues owed him by his tenants, or he sold and spent his time in the pleasures of the capital, or, if he were ambitious, in attempting to gain political influence at the centre.

Thus, while in England it was the rich man who bought

[1] Seebohm, Econ. Journal, i. 58; Prothero, Pioneers.

and thereby sought to make a name for himself in his county, in France it was the peasant who competed in the market. In France the poor man hoarded and bought land. To him the land was everything, and had been from time immemorial. Hence that strong attachment to his home, which is a peculiarity of the Celtic character, was intensified, an attachment which certainly is not to be found in England to the same extent. Once more, France did not share to the same extent that commercial spirit which in England so deeply affected her rural economy. And while in England 'the labour of the town supported the luxury of the county, in France it was the labour of the county which supported the luxury of the noble at the court'. The development of industry in England was also accompanied by a remarkable increase in population, and it was the increase of population which, by increasing the demand for food, was one of the reasons for consolidation of farms and therefore of estates. In France, on the contrary, population was stationary, if it did not decrease.

Finally, the idea that the life of a French proprietor is a very happy one is an idle dream. Mr. Prothero, who knows France well, says 'that he is worse housed and worse fed than the English labourer. His cottage is generally a single room with a mud floor, in which he and his family and his live stock live, eat, sleep, and die . . . From morning till night his toil is excessive and prolonged; female labour is the rule; children are continuously employed, while his little property is often mortgaged.[1] A. Young talks of the magic of property; but there is such a thing as the demon of property. The French

[1] Prothero, Pioneers, p. 135; J. Howard, M.P., Continental Farming and Peasantry; Lady Verney, How Peasant Proprietors live in France and other Countries.

peasant in his desire to add to the little property hoards and then mortgages his property to buy more, and is often thus prevented from cultivating what he has to the best advantage.[1] Speak to a French peasant proprietor, and I have spoken to many of them, and he will at once tell you of the hardness of his lot, of the pinching and scraping, which is necessary to keep the little land together, and of the constant anxiety of his life.'

It also appears that at the present moment the peasant proprietor is declining in numbers in France. M. Meline, the leader of the agricultural party, who was Minister of Agriculture from 1883 to 1885, and for a brief moment Prime Minister in 1896, has lately pointed out this fact in his book the Return to the Land[2]; and M. Bled says that in thousands of parishes the population has been reduced by one half since 1850, and that moderate-sized properties are increasing at the expense of the small.[3] 'They have quitted the land,' says M. Meline, 'not because of its failure to provide them with the means of existence, but because their life was too laborious and imposed on them too many privations, while the factory gave them higher wages with less tiring work and more regular hours'; because of the dreariness of the country and the fascination of the town, a fascination acquired, it is said, often by the young conscript; and many of you will remember that this is the burden of M. René Bazin's novel, 'La Terre qui meurt.'

M. Jacques Dumas, the procureur of Réthel, in the department of the Ardennes, has attempted in an article in the March number of the Econ. Journal to dispute this fact.

[1] Garnier, Hist. of the English Landed Interest, p. 152, quoting from Leconteux, Journal d'agriculture.

[2] Meline, Return to the Land, translated, pp. 85, 90.

[3] Revue des Deux Mondes, Dec. 1904.

He tells us that the number of proprietors, large and small, has increased since 1851.[1] But this includes owners of houses in towns, which, as he shows elsewhere, have grown enormously;[2] and this fact altogether destroys the value of his statistics. Moreover, he himself acknowledges that the price of land is low to-day, that capital is no longer looking to land as an investment, but is turning to others, good or bad; that many of the peasants and other proprietors are in serious debt[3] because of the money they raised in the good years, some wherewith to increase their holding, some for less good reasons, and that in the bad years, 1877–1900, compulsory sales of land increased from 7·75 per cent. in 1880 to 27·78 per cent. in 1889, although they have been going down since. He does not, however, tell us how far this applies to the peasant proprietor alone.

The close resemblance between the economical position of the French landowner of to-day with that of the English in the later eighteenth and the nineteenth and twentieth centuries seems to teach the same lesson—how difficult it is for the small landowner to survive amidst modern economical conditions. And if we look to the agricultural labourers we hear the same tale. Their distaste for the country life, the effect of the notable rise in wages in the manufacturing industries which tempts them to prefer the regular industrial wage to the risks of tillage, and the development and cheapening of communication which enables them to move more easily, and the consequent

[1] Econ. Journal, March, 1909. In 1851, 7,845,724 proprietors; 1882, 8,500,000 proprietors; 1900, 8,090,000 proprietors; he says one-fourth of the land is still held by peasant proprietors.

[2] In 1872, 69 towns with population over 20,000; 1891, 104 towns with population over 20,000; to-day, 120 at least.

[3] Mortgages in 1820 amounted to 8 million francs; 1897, 19 million francs.

serious decrease in the rural population.[1] In a word, all evidence tends to prove that France is in a measure experiencing the influence of that industrial revolution which England underwent a century and a half ago, and if France were to adopt free trade the difficulty of retaining the peasant on the soil would soon be as great as it is in England.

The conditions in Belgium are not unlike those of France. It is true that industries were early developed in the Netherlands, as Belgium was then called; witness the history of its great towns. This, however, occurred at a period when industries were still in their more primitive form, and before the rise of the great capitalist of later times; and though to-day the number of peasant proprietors is very numerous, they are chiefly found in districts where market-gardening is profitable, and even then in many cases the cultivators are tenants of the tradesmen who own the lands. The peasant proprietor is also found on the poorest soils, such as the Campine, but they generally eke out a livelihood by some side industry, many as pedlars in human hair, or in the local industries which still exist. On the other hand the largest proportion of the land, and certainly the most productive in cereals and in stock, is cultivated by tenant farmers.[2] Even in Denmark a great many of the so-called peasant proprietors are really tenants holding their lands on half-yearly agreements.[3]

[1] In 1851, 75 per cent. of the total population; in 1886, 64 per cent. The decrease has continued since then, Dumas, Econ. Journal, March, 1909; see Statistical Soc. Journal, 65, 1902, p. 607. The rural population is decreasing actually in Germany and France, and relatively to the urban population in America, Canada, and Australia.

[2] Prothero, Pioneers, p. 142; Cobden Club, Systems of Land Tenure, Belgium; Lavelaye, Économie rurale de la Belgique.

[3] Econ. Journal, xiii. 645; Hasbach, Appendix.

As for Germany, and still more Russia, the peasant proprietor of to-day is of too young a growth to furnish any valuable evidence. It should, however, be remembered that in all these countries serfdom existed till comparatively late: in Prussia till the reforms of Stein and Hardenberg in 1807–11, which were not finally completed till 1850;[1] in other parts of Germany, and in Austria between 1817–48; while in Russia the emancipation of the serfs was not completed till 1861, and the whole question is complicated by the influence of that strange survival, the Russian Mir.

It is true that in parts of Germany there are a good

[1] Cf. Cobden Club Essays:—Germany: By the legislation of 1807 (1) villeinage was abolished. (2) The old distinctions between noble, burgher, and peasant land was abolished, and all such lands could be acquired by any person, whatever his estate. (Some restrictions on this right were abolished in 1811.)—By the legislation of 1811 the dual ownership of land between lord and peasant was done away with. (1) Peasants holding by hereditary right were to own their lands free of all dues or services, but to surrender one-third of their land to the lord if the holding was above fifty morgen (morgen = two-thirds of an acre), if less, to pay a corn rent. For his rights on the waste and for his house and farm-buildings he was still to pay services, which are fixed, at harvest and other exceptional times. (2) Peasants holding at will for life or term of years were to surrender one half of their holding, and enjoy the rest free of all services and dues. (In 1816–36 this legislation was confined to estates of twenty-five morgen or more.) (3) One-third of the commonable fields was freed of common rights of pasturage.—In 1850, all services and dues which had not been commuted were to be redeemed by payment of a capital sum, or by a rent-charge for a fixed number of years.

In Russia:—By law of 1861 (1) the proprietor was to hand over to the Mir a certain proportion of the land (the amount depending on local circumstances or agreement). (2) For land thus handed over services or rent were to be paid. (3) At the end of nine years, these services or rents could be escaped by peasants surrendering part of their land to the proprietor, or, before expiration of the nine years, by purchase of part. (4) Any peasant to be allowed to buy his share in the village land and free himself from the Mir at a price fixed by law. Cf. Cobden Club Essays: Russia. Khovaleski, Customs and Laws of Russia, p. 209.

many districts where communal land survives, and where the peasant proprietor flourishes in consequence,[1] but elsewhere, even in Russia, the small peasant proprietor is declining.[2]

In short, on the continent the fabric of rural society is undergoing the same process of disintegration which England first underwent at the close of the fifteenth century, and our agricultural problem is beginning to arise there.

[1] Cf. Adolf Damaschke, Aufgaben der Gemeinde-Politik. Part of this has been translated by Miss Gurney for the Land Nationalisation Society, May, 1907.

[2] Savine, Quarterly Journal of Economics, xix. p. 35.

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